# DOCUMENTS ON KASHMIR PROBLEM

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# DOCUMENTS ON KASHMIR PROBLEM

*Edited by*
**M. S. Deora**
**R. Grover**

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# *Discussion of the India-Pakistan Question in the Security Council Meeting*

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# *Introduction*

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this anti-feudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet

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Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir, Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people...the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar, and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh, Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress President that people in Kashmir were grooning under the reign of terror, Mahatma Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceeded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression

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of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocast. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 [S/628]. Pakistan made counter complaint [S/646] but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolutions [S/651 and S/654]. It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts [S/1100; S/1196, and S/1430]. Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 5 January 1949 dealing with the plebiscite. The cease fire came into effect by 1 January 1949 and a cease fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The Security Council then appointed mediators. In 1949 General Mc Naughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

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In July-August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 723 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/2821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced a hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-cooperation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-cooperation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

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Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and unceremonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR; 17 Yr. Mtg. 990). In the subsequent meetings of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C.S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in pursuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg. 1016) Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and

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Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting [S/5516] to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 [Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114]. Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". [Mtg. nos. 1088, 1104, 1113 and 1115]. Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate. [SCOR, Mtg. no. 117].

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965 on charge anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also

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President Yahya Khan banned all the exchange of printe materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

*Documents on Kashmir Problem* is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United

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Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates— reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents. to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library, New Delhi for the help rendered to us during our visits there.

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197. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1112 held on 5 May 1964.*

Since the present series of meetings of the Security Council began in February, I have had the occasion from time to time to apprise the Council of the situation prevailing in the State of Jammu and Kashmir. When the Council adjourned on 20 March 1964, at the request of the Indian representative, members of the Council made an appeal to both parties to refrain from any measures that might aggravate the situation.

The very fact of the question being before the Security Council has had a restraining effect on various forces that would otherwise have made the situation in Kashmir's even more explosive than it is today. Yet the melancholy fact remains that the Government of India has not made any positive response to the pronouncements made here in the Council. Thus the situation in Kashmir remains highly disquieting and disturbed.

In my statement to the Council on 17 March, I mentioned three striking facts on which world attention had been focused during the preceding thirty days :

> "First, the movement of protest in the State of Jammu and Kashmir has continued; secondly, India has shown no signs of relenting in its policy of oppression against the people of the State; thirdly, the Government of India has shown itself to be bent on adopting those very measures towards the annexation of the State against which Pakistan had specifically protested to the Council." (1104th meeting, para. 8.)

This statement of mine is as true today as it was when we met six weeks ago, notwithstanding the release since then of Sheikh Abdullah.

On 8 April Sheikh Abdullah was released from jail. The conspiracy case against him was withdrawn. It will be re-

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called that after some five years of incarceration without any trial whatsoever, Sheikh Abdullah and his principal lieutenant, Mirza Mohammed Afzal Beg, and twenty-four others, were brought to trial in May 1958 on trumped-up charges of conspiring with Pakistan to bring about the secession of the State of Jammu and Kashmir from India. The trial dragged on drearily.

The fact that these charges had been fabricated and were totally false is now sufficiently known. The very withdrawal of the case against Sheikh Abdullah implies a clear admission that the charges were utterly baseless. Public opinion throghout the world has been outraged by this high-handed attempt to destroy the Kashmiri leadership politically. It was a part of a policy of terror and oppression to deny to the people of Jammu and Kashmir their right of self-determination.

A prominent Indian journalist, writing in *The Hindustan Times* of Delhi of 8 April has this to say of the Abdullah trial :

> "Sheikh Abdullah, on trial on charges which everyone recognized were bogus, had become the totem figure of the long, dark night of the Bakshi rule. The night had ended. Much had changed since then. Much more was changing, but so long as Sheikh Abdullah remained in jail, there was no promise that what the horrible night was giving place to was a clear morning."

To those who have followed the course of what foreign observers have called an "open rebellion" by the people of Kashmir against Indian domination, especially after the Hazratbal incident of December last, the acquitted of Sheikh Abdullah has come as no surprise. Whatever the reason for this belated action, there is no evidence that it signifies a change of heart on the part of the Government of India. Neither does it appear to have been animated by a desire to seek a peaceful, and honourable solution of the Kashmir dispute.

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It is quite to the contrary. The rebellion of the people of Jammu and Kashmir under the leadership of the Action Committee, the Plebiscite Front and the Political Conference, had reached such a dimension and intensity that it had become impossible for the puppet Government of Indian-occupied Kashmir and the Government of India to control the course of events in the State. This is the borne out by a correspondent of *The Daily Telegraph* of London of 31 March :

> "There,"—in the Vale of Kashmir—"the Action Committee, which demands a plebiscite for Kashmir, has shown itself virtually in control of the population while the National Conference, whose election to office is said by India to obviate the need for a plebiscite, looks on helplessly."

The same correspondent goes on to say :

> "More dangerously, it does not seem to worry the Government"—of India—"that Mr. Sadiq, who has shown himself a loyal pro-Indian, does not control the Vale of Kashmir."

Members of the Security Council would doubtless wish to know why I maintain that the Government of India has shown no signs of relenting from its policy of oppression against the people of the State of Jammu and Kashmir. In my statement to the Council on 17 March, I invited the attention of the Council to the historic resolution of the Action Committee, adopted two days earlier in Srinagar, affirming that the people of the State would not accept any solution of the Kashmir issue which is not based on the freely expressed will of the people of Jammu and Kashmir. Let me quote from this momentous resolution of the Action Committee :

> "...the promises made to the people of Kashmir should be fulfilled by holding a free and impartial plebiscite so that the problem of Kashmir is solved once and for all.

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"We declare that it is the firm and unshakable decision of five million inhabitants of the State that this is our country; we will decide its fate on the principle of self-determination through a free and impartial plebiscite. We are not prepared to accept any other solution. Now, the time has come that without any further delay steps should be taken to decide the future of the people of the State through a free and impartial plebiscite...

"Again, when the problem of Kashmir is now under discussion in the Security Council, the people of the State, with one voice, demand that, in accordance with the previous resolutions, immediate steps should be taken so that five million people of the State may exercise their birthright of self-determination."

The Political Conference issued a similar statement the following day, urging that an appropriate atmosphere be created for the meeting of the leaders of India and Pakistan to solve the Kashmir question in accordance with the wishes of the people of Jammu and Kashmir. Maulana Masoodi and Maulana Farooq, two important leaders of the Action Committee, endorsed these demands. This caused consentration in political circles in India because they signified a categorical rejection of India's claim that the State had finally acceded to India.

After eleven long years of imprisonment, the Government of India has released Sheikh Abdullah. Sheikh Abdullah is a free man because it was the universal and uncontrollable demand of the people of Jammu and Kashmir. Sheikh Abdullah is out of prison because the political organizations in the State, voicing the will of the people of Jammu and Kashmir and articulating their aspirations, forced the Government of India to open the prison gates. Sheikh Abdullah has been set free because the National Conference, the corrupt and discredited ruling political party, collapsed completely. Sheikh Abdullah is with his people again because of the virtual repudiation of the authority of the puppet Sadiq regime and the

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consequent administrative paralysis in the State of Jammu and Kashmir. The compulsion of events and forces drove the Indian Government to withdraw the fake case against Sheikh Abdullah and his colleagues. No, it was not out of magnanimity or out of free will that the Government of India released Sheikh Abdullah from his eleven long and tragic years of imprisonment.

Since last December, two demands have resounded throughout the State : "Release Sheikh Abdullah", and "Hold plebiscite in Jammu and Kashmir". Unable to stem this flood-tide of public opinion and seething unrest in the State, the Sadiq regime had no option but to open the prison gates, and set Abdullah—that Lion of Kashmir—free.

*The Hindustan Times*, of 22 April, reports Mr. Nehru as saying that circumstances in Kashmir were such that there was no alternative to releasing Sheikh Abdullah. *The Statesman* of New Delhi wrote editorially on 15 April :

> "A movement to demand the release of the Sheikh was already building up a few weeks ago. In the first few days of this month it became clear that it would gather greater momentum, would command much broader allegiance. If the movement had become a fact, the only alternatives would have been either to yield to it—much worse than anticipating it—or to crush it without qualms of conscience and take a road leading to wholly unlikable ends."

*The Economist* of London of 4 April commented as follows :

> "Sheikh Abdullah, the former Prime Minister of Kashmir, has spent longer in prison under Mr. Nehru's rule than the latter did under the British . . .
>
> "The Indian Government has not had a sudden rush of liberalism to the head. It has been forced by events to take a political risk for fear of worse; a risk which, as

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has happened so often to the British, it may now regret not having taken sooner . . .

"Effective civil authority in the Kashmir Valley has been assumed by an unofficial 'action committee, which moved from demanding Abdullah's release in February to openly demanding a plebiscite by mid—March. There is now no question of Abdullah, at liberty, creating a popular demand for a plebiscite, if he chose to; it exists, whether he wants it or not."

Sheikh Abdullah's voice, silenced for more than a decade, speaks again. It echoes the demand of the people of the State for self-determination, for a plebiscite, for negotiations between India, Pakistan and the Kashmiri leaders in order to restore communal harmony, peace and amity between the peoples of the subcontinent by settling the dispute of Jammu and Kashmir. This voice has disturbed the recalcitrant elements in India. Within a few days of his release threatening statements were issued by the leaders of India, both inside and outside the Government, that if Sheikh Abdullah does not desist from this demand, his days of personal liberty may be numbered. Let me quote some of the statements of the Ministers of the Government of India; Members of the Indian Parliament, leading public men and newspaper on, this subject.

Mr. Lal Bahadur Shastri, Minister without Portfolio, stated in the Indian Parliament on 11 April : "There could be no freedom for preaching some kind of independence or secession from India." He repeated this threat on 27 April. Addressing a news conference at Patna on 13 April, the Minister of Education for India, Mr. M.C. Chagla - who is sitting opposite me—declared : "The law will take its own course if Sheikh Abdullah preaches secession of Kashmir."

Mr. C.G. Desphande, President of the Hindu Mahasabha, a fanatical Hindu political organization, considered that Sheikh Abdullah's release and the pronouncements which he made were a threat to India's integrity and security. Mr. Deen Dayal Upadhyaya, the General Secretary of the Jan

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Sangh, a militant Hindu organization, accused Sheikh Abdullah of playing the game of Pakistan and called upon the Government of India to adopt a firm policy in regard to Kashmir. Mr. V.K. Malhotra, another Jan Sangh member, referring to Sheikh Abdullah's speeches, declared that anyone who said Kashmir was not a part of India should be treated as a traitor. Mr. N.C. Chatterjee, a member of the Indian Parliament, asked: "When an Indian citizen, charged with high treason and under trial for five or six years, is released, where stands the rule of law?"

Turning now to the Indian press, *The Times of India* of Bombay, in its leading article of 11 April, wrote:

> "The Government of India cannot hope to maintain its claims to the State as an integral part of India and, at the same time, allow men with a martyr's halo around their heads to carry on a campaign rejecting this claim."

In a second editorial comment on 16 April the same newspaper wrote:

> "Sheikh Abdullah is now a demagogue at large and he is plainly engaged in secessionist political activity. Mr. Shastri and Mr. Chagla have done well to warn Sheikh Abdullah on behalf of the Government of India that if he continues to challenge the validity of the accession he will be dealt with under the law of the land like any other citizen of this country. If he chooses to ignore the warnings—and he has already described it as a threat which he will not submit to—and continues to adopt a secessionist posture, the Government of India must not hesitate to arrest him again."

Again on 27 April *The Times of India*, in its panic, commented editorially: "If Sheikh Abdullah is not silenced after his meeting with Prime Minister Nehru, he should be dealt with under the law."

*The Patriot* of New Delhi, in its issue of 15 April, even

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went to the extent of demanding that to deal with the situation created by Sheikh Abdullah's pronouncements, the President, of India should declare an emergency in the State of Jammu and Kashmir and assume to himself all powers of Government, all dictatorial powers; in other words, the State of Jammu and Kashmir should be annexed outright by India.

Sheikh Abdullah's rejoinder is characteristic of him. Speaking to a gathering of 100,000 people in Anantnag on 17 April, he asked: "If I am re-arrested and put in prison again, will the Kashmir issue be solved ?" His audience of 100,000 people all shouted in unison : "No, never." This report is from *The Statesman* of 19 April.

In a score of speeches that he has delivered since his release on 8 April, the Sheikh and his close comrade, Mirza Mohammed Afzal Beg, have dealt with all the issues which lie at the heart of the Kashmir dispute. Emphasizing the need for a peaceful settlement of the Kashmir dispute between India and Pakistan at a press conference and a public meeting in Jammu on 9 April, the Kashmiri leader made a number of important points. First, he said that the only alternative, a clash of arms between India and Pakistan, would be suicidal, especially for Kashmir, because, he said, "bombs will fall here, not in Madras or Karachi". Secondly, he argued that, apart from other irritants, the continuance of the Kashmir dispute was a source of bitterness that lay at the root of the communal conflagrations which threatened to destroy both countries. At the same meeting Mirza Mohammed Afzal Beg asked :

> "If Mr. Swaran Singh and Mr. Bhutto could sit down for six months to solve the Kashmir dispute, why should I or anybody else be branded as a traitor for saying that the dispute existed ?"

On the right of the people of Jammu and Kashmir to self-determination, Sheith Abdullah has been forthright and uncompromising. Speaking to more than 20,000 people in Jammu on 9 April, he declared emphatically that it would be

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wrong to claim that the people of Jammu and Kashmir had already exercised their right of self-determination through three general elections, when the truth was that all three elections had been rigged. This charge was made, he said, not only by him but also by all opposition parties in Jammu and Kashmir, including the Jan Sangh, an extremist Hindu organization led by Mr. Premnath Dogra.

Later, speaking in Doda, a town in Jammu, on 15 April, Sheikh Abdullah said that the argument that the people of Kashmir had exercised the right of self-determination by electing a Constituent Assembly was beside the point, because elections were not held on the issue of accession. He added that the elections were rigged, even according to Prime Minister G.M. Sadiq when Mr. Sadiq was the leader of the National Conference, *The Hindustan Times*, 15 April.)

On 17 April, the Kashmiri leader declared before a gathering of over 100,000 people in Anantnag that there should be no doubt that the Kashmiris would not rest content until their right of self-determination was conceded. Neither with the help of army nor by repression could the people's determination be crushed or their right to demand a plebiscite be suppressed, according to Sheikh Abdullah as reported in *The Hindustan Times*—not the *Pakistan Times*, but *The Hindustan Times*, of Delhi—on 18 April.

On 18 April, Sheikh Abdullah stated at Pampore that India's claim that the Kashmiris have decided their future was fantastic. They had never exercised the right of self-determination. He asked the United Nations, which he termed as the world's conscience, why it had not helped the people of Kashmir to secure the right of self-determination after India and Pakistan and other world Powers had pledged themselves to allow the Kashmiris to exercise it. (*The Hindustan Times*, 19 April.)

In statements and speeches on 23 and 24 April in Srinagar, Sheikh Abdullah repeated that the people's demand for self-determination must be met. And, the important point to note is that wherever he spoke of this demand, his Kashmiri

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listeners endorsed it with acclamation and the greatest enthusiasm.

On India's claim that the accession of the State of Jammu and Kashmir to India is final and irrevocable, Sheikh Abdullah was categorical, and I quote *The Statesman* of 12 April :

> "With reference to the Indian contention that the Constituent Assembly of Kashmir had ratified Kashmir's accession to India, he (Sheikh Abdullah) stated in Jammu on 10 April, that this was not correct. The Constituent Assembly had taken a decision on accession, he said, after he, its founder, had been imprisoned with his comrades, and other members had been bribed or coerced."

Sheikh Abdullah added that he was hurt that the country of Buddha and Gandhi relied on false arguments, and even argued that, since circumstances had changed, basic principles should also change.

Speaking in Doda, on 14 April, Sheikh Abdullah, in a sharp rejoinder to the Education Minister of India, Mr. Chagla, said that the Indian Constitution recognized the provisional character of Kashmir's accession. He further pointed out that the Constituent Assembly, according to the late Sir Benegal Rau's statement in the Security Council [536th meeting], had no right to decide on the accession issue. (*The Hindustan Times*, 15 April). On 17 April, according to *The Statesman* of the same date, he declared before a crowd of 100,000 people in Anantnag ;

> "The eyes of the world are seeing that the Kashmiri people reject the Indian claim that Kashmir's accession to India is final.
>
> "To repeat that Kashmir is an integral part of India is utter nonsense."

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On 20 April, speaking in Srinagar to a mass meeting of over 150,000 people, Sheikh Abdullah said :

> "...We challenge the Indian assertion that the question of Kashmir's accession has been settled 'once and for all and Kashmir is as good a part of India as Madras or Punjab."

Reminding Mr. Nehru of his promise in 1947 that "Kashmir's future is the concern of the Kashmiris alone", Sheikh Abdullah said : "This is a promise given to us by the Security Council as well and we want its implementation." *The Hindustan Times*, 21 April).

On the question of holding a plebiscite in Jammu and Kashmir as pledged to the people of the State, Sheikh Abdullah has also defined his stand, I quote *The Hinaustan Times* of 19 April :

> "On 18 April, he said at Pampore that the demand of the people of Kashmir was an 'impartial plebiscite'. No one could deprive them of this right. He added that India, Pakistan and the United Nations were committed to an impartial plebiscite and the people of Kashmir could not be cowed down by suppression."

On 20 April, Sheikh Abdullah's prominent comrade, Mirza Mohammed Afzal Beg, when asked in Srinagar whether the plebiscite demand had lost its importance, disagreed and said that the plebiscite was a human right which must be respected. (*The Hindustan Times*, 21 April).

On India's contention that passage of time had rendered the principles of the resolutions of the United Nations Commission for India and Phkistan obsolete, Sheikh Abdullah, according to *The Statesman* of 11 April, had this to say on 9 April in Jammu, the very first day after his release from prison ; "Principles could not change merely on account of passage of time..."

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Turning to the measures taken by the Government of India to "integrate" the State of Jammu and Kashmir with India, Sheikh Abdullah warned, and I quote *The Times of India* of 11 April :

> "...the demand for closer integration with India would not help the preservation of unity in the State. He added that the Kashmiri Muslims do not want to be integrated. Even the Indian army could not force them to do so."

These statements of Sheikh Abdullah reflect the will of the people. Sheikh Abdullah is right when he says that there will be no acceptance of the *status quo* by Pakistan or by the people of Kashmir. And he is right when he says that the future of the State must be decided in accordance with the wishes of the people of the State. Urging the solution of the Kashmir problem, Sheikh Abdullah said on 9 April in Jammu, according to *The Statesman* of 11 April.

> "Kashmir continues to be a dispute prisoning India-Pakistan relations. It should be settled by the two countries through negotiations having regard to the wishes of the Kashmiri people."

On 17 April, he said at Anantnag that he would like to meet the Pakistani leaders and also know their mind. (*The Hindustan Times*, 18 April.) On 24 April, he declared in Srinagar that he would like to have an opportunity to meet Kashmiri leaders like Chaudhry Ghulam Abbas, Mir Waiz Yusuf Shah and others in "azad" Kashmir.

On the eve of Sheikh Abdullah's release, I made a statement hoping that it would be possible for the Kashmir leader to hold discussions with the President of Pakistan. Referring to this suggestion, Sheikh Abdullah stated in Jammu on 12 April that since India and Pakistan were both parties to the Kashmir dispute, what I had said was "reasonable" (*The Statesman*, 12 April.)

It might be recalled that when Pakistan asked for a meeting of the Security Council on the question of Kashmir,

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we reported that a grave emergency had arisen in Kashmir, with the people having risen in open rebellion against Indian occupation. It was contended then on behalf of India that demonstrations in Kashmir were only the expression of a feeling of grief over the loss of the holy relic. But these demonstrations continued menacingly after the restoration of the holy relic, and so this contention became untenable. Then the Indian representative was forced to shift his ground.

He would then have us believe that the demonstrations signified only a protest against the local administration. Subsequent events, which have been abundantly reported in the Press, some of which I have cited, have exposed the hollowness also of this contention. And so the position is now being taken that the unrest in Kashmir relates to the details, the nuances of Kashmir's accession to India, and not to its very basis.

But again this position has forcefully been challenged throughout the length and breadth of Indian-occupied Kashmir. The fact is now beyond dispute that the people of Kashmir have challenged the validity of the accession to India of their homeland. They have made it plain that they demand their future to be settled by the plebiscite which has been pledged to them by India and Pakistan and the United Nations. "Our demand : plebiscite"—these words have been seen and heard all over Kashmir. There is nothing else that the people of Kashmir demand, and there is nothing else that Paki tan wants the Security Council to arrange.

The developments that have taken place have clarified the situation. The people of Kashmir have joined ranks against Indian occupation. But the Government of India, according to its own spokesmen, is not prepared to change its stand that this occupation should continue to be foisted upon the people of Jammu and Kashmir. Could there be a clearer confrontation directly posing the danger of a head-on clash ?

I believe that we need to ponder this question carefully. We need to visualize the situation that has arisen now in Indian-occupied Kashmir. On the one side, we see the entire population of the Indian-occupied area making manifest their

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demand for an early plebiscite to determine their status. On the other side, we see the Government of India showing no signs whatsoever of relenting from its opposition to this democratic and popular demand of the people of Jammu and Kashmir.

What are the clear affirmation in Sheikh Abdullah's statements which have been acclaimed by the people at large ? These affirmations are : (1) that the accession made by the Maharaja in 1947 was provisional and subject to a plebiscite; (2) that any solution of the problem based upon the cease-fire line or its adjustment or rectification is completely unacceptable; (3) that India, Pakistan and the United Nations are committed, wholly committed, entirely committed, to enabling the people of Kashmir to exercise their right of self-determination; (4) that the elections in the State of Jammu and Kashmir were rigged, spurious and fraudulent; and (5) that the steps taken or contemplated by India to integrate the State into the Indian Union are null and void, now and for all time.

Confronted by an outright challenge to its stand, the Indian Government is trying to deal with the people of Kashmir through Sheikh Abdullah by the dual method of cajolery and threat. The threat of re-arresting Sheikh Abdullah as I have shown, has not been too subtle; nor has any secret been made of the hope that the might be lured into accepting an arrangement falling short of a free and unfettered plebiscite. One can expect that should this manoeuvre succeed, we shall again hear the claim from the representatives of India that the acknowledged leader of the people of Kashmir has accepted India's occupation of Kashmir.

But the issue that we are concerned with is not whether any political manoeuvre by India will succeed or fail. The issue is not what resources India will deploy to sidetrack the demand of the people of Jammu and Kashmir. The issue is the demand itself. The issue is whether the opposition of the people of Kashmir to Indian domination in its demonstrated unanimity is something which can wisely be ignored by the United Nations. It has created a situation now which cannot possibly be left to take care of itself.

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Yesterday's press reports tell us of widespread demonstrations by the students in Srinagar in support of the demand for self-determination. The student demonstrators declared that nothing short of a plebiscite would satisfy their demand, and asked the chief of the United Nations Military observers Group for India and Pakistan to convey their demand to the Security Council. A curfew was imposed on several towns and many people were injured as a result of baton charges by the police. The ferment in Kashmir continues, replete with grave possibilities of serious trouble.

There is ferment also among the people of Pakistan. I must enter a caveat here, and I should not be misunderstood as uttering a threat to India, when I say that if the Indian authorities again resort to a suppression of the people of Kashmir by force, the people of Pakistan may find it extremely difficult to stand aside and may demand of its Government whatever measures are necessary for the amelioration of the situation in Indian-occupied Kashmir.

This, I trust, will give the members of the Council an idea of the perils facing us if the situation is subjected to a laissez-faire attitude on the Council's part. A situation, where an occupation authority is in direct confrontation with the mass of the people united in opposition to it, is a situation pregnant with dangers. Should the very sharpness of the situation, which has no fluidity and no blurred outlines evoke a statesman-like response, a just and honourable solution may yet be achieved. The peril of a direct clash, which cannot fail to disrupt the fabric of peace in the subcontinent, can still be avoided by the initiatives of the Security Council. For, to put it plainly, it is a situation which has to be brought under the United Nations, so that it will not jeopardize international peace and security, and peace in the subcontinent.

The urgency of the situation to which I have drawn the Council's attention cannot be appreciated unless we remember that there exists at present not even a truce agreement between India and Pakistan on Kashmir. All that there exists between India and Pakistan regarding Kashmir is the agreement embodied in the resolutions of the United Nations Commission

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for India and Pakistan of 13 August 1948 and 5 January 1949. The cease fire arrangement in Kashmir is based upon these resolutions, and in fact constitutes only a partial implementation of them. It has been authoritatively established by the Commission that the cease-fire order was meant to be linked—this was the exact expression used by the Commission—with the truce and with the establishment of the proper conditions for a plebiscite.

The agreement of 29 July 1949, which was invoked by the representative of India in his letter of 20 March 1964 is merely an agreement for the demarcation of the cease-fire line and explicitly affirms that it is "under the provisions of part I of the commission's resolution of 13 August 1948". It is obvious that it is not an independent instrument. If the commission's resolutions are regarded as obsolete by India, then the cease-fire order also becomes obsolete. Actually, however, regardless of what the representative of India might say here, a declaration by either party that the Agreement embodied in the commission's resolution is obsolete does not deserve to be given any consideration unless that party is to be understood as denouncing the cease-fire also and contemplating a resumption of hostilities.

I say this because the commission's resolutions embody an agreement of which any unilateral denunciation is inadmissable. It is inadmissible because first, the agreement embodies undertakings of an international character by which the parties have assumed international obligations and, secondly, it constitutes an international engagement for the benefit of third parties.

The people of Jammu and Kashmir are third-party beneficiaries of the commission's resolutions. The rights of these third-party beneficiaries cannot be extinguished by any unilateral denunciation of the undertaking by India. The objective of the resolutions was, and remains, that of ensuring to the people of the State the free and fair exercise of their basic right to a plebiscite. Such a right vests in them as an actual juridical right under the well-established doctrine of stipulation for the rights of others, "stipulation pour autrui".

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It follows that these resolutions cannot be abrogated except by agreement of India, Pakistan, the United Nations and the people of Jammu and Kashmir. I am drawing attention to this basic aspect of the case because it brings out the nature of the situation with which the Security Council is faced. Apart from defining the juridical position involved, it brings into sharp focus the explosive nature of the present situation where the inherent right of the people of Jammu and Kashmir, recognized in a formal instrument, is denied by the Indian Government which proclaims that any assertion of this right constitutes the high crime of treason. Surely, the other party to the agreement which gave recognition to this right and pledged its fulfilment cannot remain unconcerned or inactive in the face of such an attitude.

I am aware of the impression which exists at present in some quarters that perhaps a loosening of thoughts is in process in India so that we should stand aside and let matters develop by themselves. Now, I have no wish to ignore a salutary, though rather intangible, development. It is true that there are indication that the people of India, by and large, would wish to see a solution of the Kashmir dispute which has remained frozen for over a decade and which has constantly strained India's relations with my country. There have been statements from well-known Indian leaders, organizations and publicists, which have stressed the need for the Government of India to do some re-thinking on the Kashmir issue and to realize that its attitude so far on this question has not done any good to India. Prominent among these are Mr. C. Rajagopalachari, the first Indian Governor-General of independent India and General Cariappa, the first Indian Commander-in-Chief.

Mr. K. Santhanam, in an article in *The Hindustan Times* of 14 April entitled "The Alternatives in Kashmir", considers that the rejection by India of the idea of a plebiscite is wholly inexplicable. Talking of Kashmir and the Sino-Indian disputes, he goes on to suggest :

"The more I think of these problems in which India has

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got entangled, the more I am convinced that a frank and unconditional acceptance of international conciliation, arbitration and adjudication is the sole logical, wise and humane policy."

According to an article in *The Hindustan Times*, of 15 April the position is :

"The real problem in Kashmir is not Sheikh Abdullah. The real problem is that 17 years of independence"—of India and Pakistan—"have not brought the people of Kashmir political stability, organic unity of security or status.

"It has been assumed too easily that the search for overcoming these disabilities is necessarily inimical to India's interests. Emotive slogans like integration have been allowed to distort the definition of our basic interests to the point where many of us have forgotten that there is such a thing as the people of Kashmir, four and a half million of them, whose wishes need to be taken into account. And whatever one talks about the wishes of the people of Kashmir in respect of ascertaining what they are precisely, we allow opportunist politicians, who are only thinking of their own selfish ends, to raise the demon of Pakistani and assorted foreign conspirators at work."

This trend, which is encouraging for peace, has found an apt expression in an article written by Mr. Jayaprakash Narayan, a prominent Indian leader. Writing in *The Hindustan Times* of 20 April, Mr. Jayaprakash Narayan observes :

"What, after all, is the substance of Sheikh Abdullah's statements ? This, that the future of Kashmir has to be decided by the people of Kashmir, and that it has to be done in a manner so that the dispute about it between India and Pakistan is amicably ended. With a little

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imagination it was possible to see that this clear and principled stand of the Kashmiri leader opened for India a wonderful opportunity that could be exploited to the advantage of all concerned. What actually is happening, however, is a parrot-like reiteration of slogans that carry no conviction in any dispassionate quarters.

"One of these slogans is that the accession of Kashmir to India is final and irrevocable. The Sheikh has questioned that, and it is for impartial lawyers to decide the issue. But the vital point to keep in mind is that it is not by legal advocacy that a human problem like that of Kashmir can ever be settled. Indeed, it was such realisation that had prompted the original promise of Prime Minister Nehru to ascertain the wishes of the people."

Mr. Narayan goes on to say :

"At this point, two further slogans are raised : first, the people of Kashmir have already expressed their will at three general elections; secondly, if the people of Kashmir are allowed to express their will, it will be the beginning of the end of the Indian nation."

"Both, to my mind, are baseless slogans. The elections in Kashmir after Sheikh Abdullah's arrest were neither fair nor free. If that has to be disproved, it can be done by an impartial inquiry and not just by official assertions. Delhi seems to believe that by auto-suggestion it can establish any fact it pleases."

I am apt to agree with Mr. Narayan that Delhi does seem to believe that by auto-suggestion it can establish any fact it pleases. To go on with Mr. Narayan's statement, he says :

"I may be lacking in patriotism or other virtues, but it has always seemed to me to be a lie to say that the people of Kashmir had already decided to integrate

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themselves with India. They might do so, but have not done so yet. Apart from the quality of the elections, the future of the State of Jammu and Kashmir was never made an electoral issue at any of them. If further proof were needed, it has come in the form of Sheikh Abdullah's emphatic views, who, to put it at the least, is as representative of the people as any other Kashmiri leader.

"Lastly, if we are so sure of the verdict of the people, why are we so opposed to giving them another opportunity to reiterate it ? The answer given is that this would start the process of disintegration of India. Few things have been said in the course of this controversy more silly than this one. The assumption behind the argument is that the States of India are held together by force and not by the sentiment of a common nationality. It is an assumption that makes a mockery of the Indian Nation and a tyrant of the Indian State."

"Threats have been held out that, should Sheikh Abdullah misbehave, the law would take its course. The law had taken its course for eleven years and the issue remained unsettled. It is not likely to achieve more in the future. It is remarkable how the freedom-fighters of yesterday begin so easily to imitate the language of the imperialists.

"The last and final slogan raised in the ballyhoo is that there is no Kashmir question at all, and that, if there was one at any time, it has now been settled once and for all. Kashmir is a part of India and that is a fact of history, they say. That, I think, is the worst form of auto-suggestion.

"The slogan-raisers forget that less than half of the State of Jammu and Kasnmir is under the occupation of Pakistan. Has that been accepted as a settled fact ? If so, when and where ? If not, how is the issue of Kashmir settled, except in the private thoughts of those who

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believe that we shall keep what we have and they shall keep what they have? Secondly the issue is still pending before the Security Council and United Nations observers are still posted in Kashmir. Thirdly, here is a leader of the stature of Sheikh Abdullah who clearly states that the issue has yet to be settled...Therefore, as an humble servant of this country, I plead earnestly that instead of trying to take shelter in a fool's paradise of our own making, let us have the courage to face facts and deal with them on the basis of the ideals and fundamental principles that guided our freedom movement."

Mr. Jayaprakash Narayan is no mean leader of India. He was a founder and architect of the Indian independence movement. Mr. Narayan is by no means a voice in the wilderness. Fortunately, there are also other voices of reason in India which make themselves heard from time to time. The Chairman of the Praja Socialist Party, Mr. S.M. Joshi, stated on 20 April, that the wishes of the people of Kashmir should be ascertained to solve the Kashmir problem, that India should honour its promises in this regard because it was agreed at the time of the cease-fire that the wishes of the people of the State would be ascertained. Mr. Joshi added, and I quote from *The Times of India* of 21 April: "It is said that we have not fulfilled the undertaking. Our position has been falsified in international politics."

This development is no doubt encouraging to all those Who want to establish a climate of friendship between India and Pakistan. It is, however, important to appreciate that it is not something which can be left to grow by itself. A concrete improvement in the present state of affairs cannot thus be achieved. On the contrary, it is a trend which will develop only if it is nourished by the influence and activity of the United Nations and by the good will and earnestness that we believe is reflected here is the Security Council.

Perhaps this consideration needs to be put in plainer words. A voice like that of Mr. Narayan, whom I have quoted at length, is the voice of reason and of conscience. It is the

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voice that beckons India to the paths of peace. But if the Security Council; which in this matter represents the reason and conscience of the world, remains silent, this voice becomes a voice in the wilderness. It becomes lost in the India of the overweening and obdurate policies of the Indian Government. One has only to consider the history of the Kashmir dispute to realize this truth. The elements in India which seek a just and honourable settlement of the Kashmir dispute have existed all along, but they have received scant encouragement. Impartial public opinion throughout the world has condemned the Kashmir policy of the Indian Government, both from the ethical and the political points of view, but no effort has been made so far, no initiative taken at the international level which would bring about the required revision of the policy of the Government of India, a revision which is desired by the world at large.

During the recent weeks, the struggle of the people of Kashmir has gathered momentum within the State. In ever increasing numbers, nations throughout the world are showing visible manifestation of their support of the people of Kashmir in their quest for self-determination. At a previous meeting I informed the Council of the support of the 700 million people of China, who are the immediate neighbours of the people of Kashmir, to a solution based on the wishes of the people of Kashmir as pledged to them by India and Pakistan. Since then, the President of Iraq has extended his support to the implementation of the United Nations resolutions on Kashmir. Earlier, in December 1963, the Government of Ceylon publicly called for an early solution of the dispute in accordance with the wishes of the people of the State, as envisaged in the resolutions of the Security Council which were accepted by both Pakistan and India.

More recently, on 15 April and 18 April 1964, the Governments of Indonesia and the Philippines called for a settlement of the Kashmir dispute in accordance with the wishes of the people of Jammu and Kashmir. The hundred million people of Indonesia, through a joint communique signed by the Foreign Ministers of Indonesia and Pakistan on 15 April, recalled with regret that :

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> "...the dispute between India and Pakistan over Kashmir had not been solved peacefully and might even constitute a threat to peace and stability in the region. The two Foreign Ministers agreed that this dispute involved the question of fundamental rights of the people of Kashmir and impaired the growth of friendly relations between Pakistan and India, affecting also the development of Asian-African solidarity. They therefore called for an early solution of this dispute in accordance with the wishes of the people of the State and other provisions, as envisaged in the Security Council resolutions accepted by both India and Pakistan."

The relevant portion of the joint communique signed by the Foreign Ministers of the Philippines and Pakistan stated :

> "The Foreign Secretary of the Philippines and the Foreign Minister of Pakistan agreed that the Kashmir dispute between Pakistan and India involved the question of the fundamental rights of the people of Kashmir and that this dispute inhibits the establishment of friendly relations between Pakistan and India to the disadvantage of the development of solidarity between African and Asian countries. The two ministers agreed the need for an early solution of the dispute in accordance with the wishes of the people of Kashmir, as envisaged in the resolutions of the Security Council of the United Nations accepted by both Pakistan and India."

Among the other nations of the two continents that in recent weeks have similarly emphasized to delegations composed of Kashmiri leaders who visited them the necessity for an early settlement of the Kashmir dispute in accordance with the principle of self-determination, as pledged to the people of Kashmir by India, Pakistan and the United Nations are Morocco, the Ivory Coast, Nigeria, Sierra Leone, Guinea, Senegal, Sudan, Somalia, Algeria, and Tunisia in the continent of Africa and Ceylon, Iraq, Turkey, Syria, Jordon, Lebanon and Saudi Arbia in the continent of Asia.

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I find it necessary in this context so quote from a statement issued by President Habib Bourguiba on 19 March after his meeting with the Kashmiri leader of a delegation which visited some of the countries of Africa and Asia in April :

> "I remember the position I had taken some years ago on this very subject. My stand was not that of a Muslim supporting Muslims but that of a man who respects human dignity and the right of a people to decide for themselves—a principle that constitutes one of the most noble manifestations of respect for humanity. I remember also having publicly taken a clear stand against India's refusal to heed the Security Council resolution to hold a plebiscite in Kashmir.
>
> "My stand does not mean that I support one party against another, Muslims against Hindus, or Pakistan against India. We have made it clear that on this question our position is inspired by decisions taken in the Security Council.
>
> "We have clearly explained in our correspondence to the Indian Prime Minister that we cannot approve of India's policy on this particular issue and that we remain firm on the stand that we have taken."

In the same vein, President Ben Bella has stated :

> "We have always been cognizant of the Kashmir case and have made our position clear, namely, that the people of Kashmir should have the right of self-determination and that the resolutions of the Security Council in this regard be fully implemented."

Needless to say, the people of Pakistan and the people of Kashmir shall remain ever grateful for these important and heroic statements of Africans who have pronounced so nobly and so boldly and in such an impartial way on a just and a righteous cause. Assurances of support by all these countries,

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and by others also, have been extended to the cause of the people of Kashmir, who have thus behind them, in their bitter struggle against Indian chauvinism and neo-colonialism, the sympathy and support of all anti-colonial peoples of Asia and Africa, and indeed also of Latin America.

And yet the Prime Minister of India persuaded himself to declare in the Indian Parliament on 13 April that the Kashmir problem would have been solved long ago, had it not been for Western support of Pakistan. Such myopia is truly tragic. May I remind the Prime Minister that the Kashmir problem would have been solved long ago, had it not been for the infidelity of his Government to the principles of international justice and its repudiation of its own solemn pledges and international commitments. If the Kashmir problem has remained alive in spite of all the repression, the terror and domination to which people of Kashmir have been subjected for seventeen years, it is because the spirit of the Kashmiri people is indestructible and their resolve to secure their rights remains unshaken.

Members of the Security Council have supported the principle of self-determination as set forth in the two resolutions of the United Nations Commission for India and Pakistan. India and Pakistan are also parties to those resolutions. Having committed itself of its own free will to the implementation of these resolutions India has sought to repudiate that obligation and even to deny the existence of the Kashmir dispute. And now the Prime Minister of India, with an air of injured innocence, bewails "in effect that the Security Council, and particularly its Western members, have failed to execute a similar "volte-face".

Let met also remind the Prime Minister of India that it is not only the West which has refused to betray the people of Kashmir. Since 1948, when the Security Council first became seized of the Kashmir dispute, some thirty countries of Latin America, Africa, Asia, Europe and North America which have at one time or another been non-permanent members of the Council have also called for the implementation of the Commission's resolutions.

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Let not the Prime Minister of India nurse the illusion that the Kashmir dispute would have been solved according to his own wishes long ago, but for Western support to Pakistan. Let him remember that not only the West, but also the countries of Asia, Africa and Latin America have clearly espoused the cause of the people of Kashmir and called for the implementation of the Commission's resolutions to resolve this dispute in peaceful and just manner.

I have dealt so far in my statement with the new elements in the Kashmir dispute, the people's revolt against Indian domination, and the rapidly increasing international sympathy and support from Western Europe, from Latin America and particularly from the people and the Governments of Asia and Africa, for their struggle to achieve a peaceful and just settlement of the dispute through the exercise of their right of self-determination as pledged to there by India and Pakistan and by the United Nations.

I have set forth the declaration of Sheikh Abdullah and Mirza Mohammed Afzal Beg on the questions of self-determination, accession, plebiscite and integration, and on the procedures that should be adopted in order to bring about an amicable settlement of the dispute between India and Pakistan in accordance with the wishes of the Kashmiri people. I have also set forth the views of the men of peace and good will in India in regard to these basic issues.

But what is the response of the Government of India to the imperatives of the situation? Has there been any attempt on its part to reassess it and to revise its policies with a view to finding an amicable settlement of this dispute? Regrettably, this does not seem to be the case.

Speaking in the Indian Parliament on 13 April, the Prime Minister of India dismissed Sheikh Abdullah's statement's by merely describing them as "unfortunate". Mr. Shastri, Minister Without Portfolio, thought it fit to reiterate in the Indian Parliament on 12 April that "the accession of Kashmir to India is irrevocable". Mr. Shastri even threatened the Kashmiri leader with serious consequences for expressing a

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contrary view. The Indian Home Minister, Mr. G.L. Nanda, pompously declared : "Certain facts of history cannot be undone. The accession of Jammu and Kashmir to the Indian Union was a fact of Indian history. It is a fact of world history. There can be no going back on that." (*The Hindustan Times*, 16 April.)

Mr. Chagla, the Indian Minister of Education, representing India here, laid down the limits of Sheikh Abdullah's freedom of speech and expression. He declared on 10 April that any discussion of the Kashmir issue between the Indian leaders and Sheikh Abdullah must be "within the context of Kashmir being an integral part of India". (*The Times of India*, 13 April.) The Minister of Education also warned Sheikh Abdullah that if he did not change his mind on Kashmir's status the "law should take its course". (*The Times of India*, 13 April.) This is a threat by a former judge.

The new puppet "Prime Minister" of Indian-occupied Kashmir, Mr. Sadiq, not to be outdone in the campaign of intimidation against the Sheikh, boasted on 16 April : "No magician has yet been born who will just breathe, and our Administration and forces will vanish." He echoed that Kashmir was as much a part of India as Bombay, Calcutta or Madras. (*The Times of India*, 17 April.)

On the question of India's plans for integration of the State, Mr. Sadiq declared, on 19 April, that there was no question of delaying the infamous bill for changing the nomenclature of "Sadar-i-Riyasat" and "Prime Minister" [of Jammu and Kashmir to "Governor" and "Chief Minister". He promised that it would be taken up definitely in the next session of the State Assembly. (*The Hindustan Times*, 19 April.) On 20 April, this puppet "Premier" again advocated, in the capital of India, the early abrogation of article 370 of the Indian Constitution to make Kashmir's integration with India complete. (*The Times of India*, 21 April.)

On 15 April, Mr. Nanda said in the Indian Parliament that the accession of Jammu and Kashmir to the Indian Union was "complete, final and irrevocable", and that the policy of

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the Government "is not going to be changed because somebody has said something somewhere".

On 29 April, Mr. T.T. Krishnamachari, the Minister of Finance, made a very revealing and rather picturesque statement in the Indian Parliament. He said that there was "no question of second thoughts" by the Government on the status of Kashmir and that "the fundamentals of Kashmir's accession to India have already been settled, and only nuances remain to be discussed". It seems—though it is hard to believe—that this Indian Minister is asking to be reminded that the India-Pakistan question does not relate to what he has called the "nuances" of Kashmir's accession to India. The Security Council is not exercised over the "nuances" of accession. Pakistan's case is not directed to these "nuances". The international agreement between India and Pakistan concerning the disposition of Kashmir is not meant to settle these "nuances". It has been made clear by the people of Kashmir, in every way possible, that they are not agitated over how these "nuances" are to be determined. They—the people of Kashmir, and Pakistan, and the United Nations—all are concerned with the fundamental question of Kashmir's accession to India or to Pakistan, in accordance with the will of the people to be impartially ascertained. If any negotiations are to take place between India and Pakistan, the negotiations will deal with this fundamental question and this fundamental question alone, and not with any "nuances".

This is how the Indian Government and its henchmen have reacted to the demand of the people of Jammu and Kashmir for self-determination and to the support that this demand has received throughout the world.

At this particular juncture, the interests of the people of Kashmir, the interests of the people of the subcontinent, indeed of all of Asia, demand that the Security Council take whatever steps may be necessary to move this dispute rapidly towards a peaceful and honourable settlement.

India claims that the people of Kashmir have already expressed their wishes on the question of accession. We main-

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tain that the people of Kashmir so far have not been allowed to exercise their right of self-determination. We assert that they have yet to take a decision on the question of accession to India or to Pakistan. We therefore suggest that Sheikh Abdullah may be invited to appear before the Security Council as he should be able to give it information which will be of assistance in examining the question. I request that steps may be taken immediately to this end and that under rule 39 of the Council's provisional rules of procedure this should be done. The precedent has been established by the Council of inviting persons under this rule, without concerning itself with legal and constitutional questions. This I believe, should assure a sympathetic considerations of my suggestion.

If I might use this occasion to transmit a message from the people of Pakistan to the people of India, it is this : For sixteen years, we have been in a quagmire of controversies and controversies and conflict. Perhaps such dismal phases are bound to occur in the long history of nations. But an end to them is also bound to come. The truth has been uttered by wise men on countless occasions that there is a time for acrimony and there is a time for reconciliation. There is a time to wound and there is a time to heal. There is a time for assertion and a time for acceptance. For sixteen years India has stalled and prevaricated : for sixteen years Kashmir has been denied its inherent right to share in the freedom that came to India and Pakistan. The time to continue this state of affairs is now past. The time is over for India to be swayed by pique and to be dominated by narrow considerations of prestige. The time is over violating the spirit of the age, which is that of freedom and self-determination. Now the time has arrived for atonement. The moment has come for removing the shackles which have bound the people of Kashmir. The moment has come when, with statesmanship and vision, a wrong will be redressed, a burden eased, a pledge fulfilled and a word of honour kept. The time is now for placing the relationship of India and Pakistan on a footing of justice and tolerance and peace.

It might be that, through the mysterious workings of Providence and the will of Allah, a stage has been reached in

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the affairs of India and Pakistan which offers an unparalleled opportunity to both countries to open a new era of good neighbourliness and constrtuctive endeavours. Kashmir is the crux of our relationship. If we settle this issue with due regard to the principles which we have both solemnly accepted and on which we have based our pledge to the people of Kashmir, we will move together to the uplands of sanity and peace. On the other hand, if we remain entangled in the coils of bitterness, we will consign ourselves to the abysm of conflict and hate. A tide has come in our affairs which, taken at the flood, will lead us both to fortune; omitted, our voyage will be bound in shallows and in miseries. The moment has arrived which will decide whether India and Pakistan will justly settle their dispute and fulfil their destinies or remain estranged from each other thus lose their ventures in a challenging and expanding world.

198. *Text of the speech made by Mr. M.C. Chagla (Indla) in the Security Council meeting No. 1113 held on 7 May 1964.*

It was said of the Bourbons that they learnt nothing and forgot nothing. The representative of Pakistan is different from the Bourbons in the sense that he has forgotten everything and learnt nothing. The most vital fact he has forgotten which has changed the whole situation in Kashmir was the Chinese attack on India. China today is to possession of about 15,000 square miles of Kashmir territory, which is Indian territory. By a significant of generosity at other people's expense, Pakistan has recently handed over 2,000 square miles additionally to China.

We have been witnessing with amusement, and also with a certain amount of disguest, the greatest tightrope act even seen in international affairs Pakistan has achieved this with extraordinary skill by keeping one foot in the South-East Asia Treaty Organization and the Central Treaty Organization and the other in the Chinese camp. Pakistan is getting closer and and closer into the Chinese embrace, and the latest incident of this touching affection between the two countries is what hap

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pened in Djakarta when Pakistan, China and a few other countries "ganged up"—I am sorry about using the expression, but it is the only way to describe what has happened—"ganged up" to deny the Soviet Union a place in the Asian world and refused Malaysia admittance to the next Asian-African conference as an Asian country, although Malaysia has an undoubted right to it. Pakistan tells the United States that it is an ally and wants arms in order to fight communism. It tells China that if China attacks India, Pakistan will stab India in the back. Pakistan preaches democracy to us and asks us to hold a plebiscite in Kashmir, but it does not permit even a vestige of democracy in its own territory. It has suppressed the democratic movement in East Pakistan. It has refused the principle of self-determination which it professes to consider so sacred—to Pakhtunistan and Baluchistan.

I must emphasize a fact that the representative of Pakistan has conveniently overlooked, namely, that in the context of what has recently happened there, Kashmir is vital to India not only for recovering the territory which China has unlawfully occupied, but also for resisting future aggression by China. The defence of Ladakh, which is in the north-east of Kashmir, against the continuing menace of China is impossible except through Kashmir.

When I said that the representative of Pakistan has learnt nothing, I meant that he still believes that we are living in the mediaeval age and not in modern times. One of the most serious problems that is facing us and which the Security Council will be discussing very soon is racial apartheid. But there is an equally serious problem, equally vicious and evil, and that is religious apartheid. In principle there is no difference between the two. Both discriminate between man and man and do not respect human dignity. Pakistan was founded on the principle of religious apartheid, and that principle is still observed today, the most eloquent testimony to which is the fact that no less than 300,000 members of the minority communities from East Pakistan have sought refuge in India since the beginning of this year. They have fled from persecution and insecurity of the worst type, involving their lives and property and even the honour of their women.

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These people are not only Hindus, there are also Buddhists and Christians among them. It is an indisputable fact, of which notice has been taken by the whole world Press, that no less than 40,000 Christians left East Pakistan because of the religious oppression practised by Pakistan and the fear for their security which these people felt. I should like to refer here to the Easter message of 29 March 1964 issued by Archbishop Lawrence of Dacca in East Pakistan. He is not prejudiced against Pakistan, he is not pro-Indian; he is an archbishop who, I take it, is impartial in his judgement. This is what he says :

> "Perhaps never has there been so much real physical and mental suffering in this archdiocese as during the past month or two"—his archdiocese is in Pakistan.—"As you know, Catholics and other Christian communities in the district of Mymensingh have suffered very much." Mymensingh is also in East Pakistan—"They have been victims of harassment, of mental affliction, of physical mistreatment. Their homes have been violated, their security of body and peace of mind lost. Conditions were so bad that Christians, almost 30,000 of them, fled from their homes to India, leaving behind all their earthly possessions. Some lost their lives, others were wounded, some are still under treatment in hospitals and camps. Almost all your Catholic brethren of the parishes of Mariannagar, Baramari, Biroi-Dakuni and Bhalukapara fled."—These are all places in East Pakistan— "The parishes of Ranikhong, Baluchora and Jalhatra have lost a smaller number. It has been a sad experience for these refugees, a time of real sorrow. Likewise, it has been difficult for those who have remained within. The sorrow of priests, brothers, sisters and of myself is hard to put into words.
>
> "Not all of you are aware of the happenings. But I was aware of this danger long ago and I warned the Government"—that is, the Pakistan Government— "of what was likely to happen if strict measures were not taken to

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stop this injustice. Unfortunately, my warnings were not heeded."

This establishes what I have said previously, that the Governments of Pakistan was privy to the riots that took place in East Pakistan. This is what the Archbishop said : "I warned the Pakistan Government to take steps to stop these communal riots and the Government took no action."

The Foreign Minister of Pakistan has said that if the Kashmir problem was solved relations between India and Pakistan would become friendly and the two countries would live in peace and amity ever afterwards. I beg to differ. In my opinion, Kashmir is not the disease; it is only the symptom of a disease which is much more deep-rooted. The disease is the fundamental difference in the outlook of India and Pakistan. India is modern, secular, believing in a multi-communal, multilinguistic society, while Pakistan believes in a religious State in which people would practise only one religion and in which members of other religions should have no place whatsoever. As long as Pakistan continues to remain what it is, it must keep up religious frenzy and religious fanaticism. This is the only explanation to the large and continuing exodus of minorities from East Pakistan. Pakistan has already denuded West Pakistan of minority communities. And now it has launched upon a cold, calculated policy of doing the same with regard in East Pakistan.

We would like to say that hardly any of the 50 million Muslims of India wish to leave the country. Far from Muslims wishing to leave India, Muslims from East Pakiston have been coming to our country because they find greater prosperity and security there. And when we evict these infiltrators because they are not Indian nationals, Pakistan makes a grievance of it and insists on our keeping these infiltrators within our borders.

I think it is necessary to re-emphasize what really is the issue before the Security Council. The issue is not, as suggested by the Foreign Minister of Pakistan, the status of Kashmir or the question of the accession of Kashmir to India.

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The issua is Pakistan's aggression against Indian territory. This is the item on the agenda of the Security Council. This was the item brought before it when we came here complaining of Pakistan's aggresston. It is important to note that this aggression, namely, the unlawful presence of Pakistan's armed forces in Jammu and Kashmir, was admitted by Pakistan after considerable prevarications. It also follows from the fact of Pakistan's aggression against India that Kashmir is an integral part of India. India could not be the complainant, and Pakistan could not be the accused, except for Pakistan's aggression against Indian territory.

The aggression which was committed in 1947 still continues. If the Council wishes to discuss Kazhmir at all, it should discuss the question of Pakistan's aggression and find ways and means of Pakistan's vacating the aggression. A burglar who beaks into a house and takes possession of the ante-room cannot ask the owner of the house to prove his title to the remaining portion of his property while he calmly squats in that part which he has unlawfully occupied. Let first things come first. It will be time enough to talk of the status of Kashmir and the legality of accession after Pakistan has conformed to elementary international ethics by withdrawing its troops from part of a country which it does not own.

Permit me to say, in all frankness, that our Government and people have a grievance to the effect that during the years the Kashmir question has been before the Security Council, most members of the Council have turned a blind eye to the patent fact of Pakistan's aggression. It is that attitude, together with the indulgence that Pakistan's allies have shown it in the Council, that has been the greatest obstacle to the solution of this question which has bedevilled relations between ourselves and our neighbour. There have been numberless meetings on the subject of Kashmir, and millions of words have spoken in the Security Council and I am sorry I am adding to those millions a few more.

Members have made this suggestion and that, but the vital question brought before the Security Council has

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remained unanswered. Our people expect an answer from the Council. So long as it is not answered, the Council will be unable to grapple with the basic elements of the Kashmir situation. My delegation hopes that even at this late hour, the members of the Council will give careful thought to the matter and give an answer to these question which I now pose : (1) how is it that Pakistan occupies two fifths of Kashmir and by what right ? (2) has it any legal right to be in the possession and control of any part of Kashmir territory ? (3) has it any right to negotiate and give away any part of Kashmir to China, which it has admittedly done, as I have said, having given away 2,000 square miles ? (4) what steps should the Council take to make Pakistan vacate its aegression ?

After having committed aggression, Pakistan as an afterthought trotted out the plea that her troops had entered Kashmir to help the Muslims who were engaged in a freedom movement. This was also patently false. Let the true nature of Pakistan's action's be exposed by the statements of someone whom the Foreign Minister of Pakistan quoted extensively in his last speech [1112th meeting]. In 1948 Sheikh Abdullah, as the head of the Emergency Administration of Kashmir, was a member of the Indian delegation to the Security Council, and this is what he had to say—this is what he had to say here before the Security Council :

> "I was explaining how the dispute arose—how Pakistan wanted to force this position of slavery upon us. Pakistan had no interest in our liberation"—let me repeat : "Pakistan had no interest in our liberation"—"or it would not also have opposed our freedom movement. Pakistan would have supported un when thousands of my countrymen were behind bars and hundreds were shot to death".

He is referring to what happened before 1947. Whereas India supported the Kashmir liberation movement, this is what Sheikh Abdullah says about the action of Pakistan when the people of Kashmir were fighting for their freedom against the Maharajah's rule. Sheikh Abdullah further stated ;

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"The Pakistani leaders and Pakistani papers were heaping abuse upon the people of Kashmir who were suffering these tortures.

"Then, suddenly, Pakistan comes before the bar of the world as the champion of the liberty of the people of Jammu and Kashmir.

"...

"I had thought all along that the world had got rid of the Hitlers and Goebbels, but, from what has happened and what is happening in my poor country, I am convinced that they have only transmigrated their souls into Pakistan".

According to Sheikh Abdullah, the reign of the Hitlers and the Goebbels has not passed; the reign still continues in other parts of the world.

As I was listening to the Pakistan representative's speech, I was wondering whether I was participating in a debate on Kashmir or in a debate about Sheikh Abdullah's opinions on Kashmir and its status. There was a long string of quotations from the representative of Pakistan which his advisers must have taken a long time to cull from newspapers published in India. Let me first say this about the release of Sheikh Abdullah. I think it is a tribute to democracy and freedom in India that Sheikh Abdullah not only has been released, but enjoys full freedom to express his opinions. What is more, our free Press has given full publicity to what he has been saying, even though his opinions might be unpalatable to the Government. If we could have ordered the Press to black out all that Sheikh Abdullah said, the Foreign Minister of Pakistan would have been deprived of material for three-quarters of his speech. But unlike Pakistan, we have no censorship of the Press in India. Sheikh Abdullah is free to go anywhere he likes in India and to meet anyone he likes. He has just met Mr. C. Rajagopalachari, who was once our Governor-General and who today is one of the most vocal opponents of our Government in India.

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The release of Sheikh Abdullah also proves another important fact: that we are perfectly confident that the situation is normal in Kashmir and that his release would create no disturbances or untoward incidents. It completely disproves the Foreign Minister of Pakistan's thesis that Kashmir is in revolt. No government in its senses would release Sheikh Abdullah if there already was trouble in Kashmir.

Let me say one further thing about what Sheikh Abdullah has been saying. The opinions of any person, however distinguished or eminent, cannot alter or affect the question of the status of a territory. It is not a matter of opinion: it is a matter of law. If two people get married and the marriage is valid in law, the status of these two people cannot be altered by a thousand opinions suggesting that they are living in sin. But if Sheikh Abdullah's opinions are to be relied upon, it is more to the point to ascertain what his opinions were from 1947 to 1949 when the question of the accession of Kashmir arose.

The Foreign Minister of Pakistan is a lawyer and I am sure he knows the Evidence Act which is in force both in his country and in mine. As he knows, it is only statements made at or about the time, that are admissible as evidence. Statements made long after the event not only have no evidential value but are not evidence at all. Sheikh Abdullah gives a graphic description of Pakistan's aggression and the invasion by the raiders supported and backed by the Pakistan Government.

We have heard a great deal from the Foreign Minister of Pakistan about treating Kashmir as a human problem. But let us see how Pakistan treated the people of Kashmir in 1947 and 1948. I quote from the official records of the Security Council:

> "When the raiders came to our land, massacred thousands of people—mostly Hindus and Sikhs, but Muslims, too—abducted thousands of girls, Hindus, Sikhs and Muslims alike, looted our property and almost

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> reached the gates of our summer capital, Srinagar, the result was that the civil, military and police administrations failed."

To the same effect but a little more emphatically, he stated in a statement to the Press issued on 16 November 1947 at Srinagar, as reported in *The Hindustan Times* of 18 November 1947 :

> "These raiders abducted women, massacred children, they looted every thing and everyone, they even dishonoured the Holy Koran and converted mosques into brothels, and today every Kashmiri loathes the invading tribesmen and their arch-inspirators who have been responsible for such horrors in a land which is peopled with an overwhelming majority of Muslims".

Again in a press statement issued on 19 November 1947 at Srinagar and reported in *The Hindustan Times* of 20 November 1947, he said :

> "The invaders who came in the name of Pakistan to make us believe that they were true servants of Islam..."

and I hope the Muslim countries in the world will note what these true servants of Islam did to the Muslims in Kashmir and I continue :

> "...scorched our land, ruined our homes, despoiled the honour of our women and devastated hundreds of our villages. These lovers of Pakistan dishonoured even the Koran and desecrated our mosques which they turned into brothels to satissfy their animal lust with abducted women."

This is Sheikh Abdullah telling us what the Pakistan raiders, backed and supported by the Pakistan army and the Pakistan Government, did to the people of Kashmir, and this is the human problem which, as I have said, the Foreign Minister of Pakistan, Mr. Bhutto, says we have to discuss

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before the Security Council. This is the human interest in the people of Kashmir that Pakistan showed when invading it in 1947.

To go back to the official records of the Security Council, Sheikh Abdullah said : "Under those circumstances, both the Maharaja and the people of Kashmir requested the Government of India to accept our accession." Note, when the land was invaded, when mosques were being desecrated and turned into brothels, not only the Maharaja but also the people of Kashmir turned to us asking us to accept the accession. From the official records of the same meeting I quote again :

> "We should prove before the Security Council that Kashmir and the people of Kashmir have lawfully and constitutionally acceded to the Dominon of India, and Pakistan has no right to question that accession."

That was Sheikh Abdullah speaking in 1948. Can anything be clearer or more authentic than this ? Then he went on to say :

> "I refuse to accept Pakistan as a party in the affairs of the Jammu and Kashmir State; I refuse this point blank. Pakistan has no right to say that we must do this and we must do that."

On 18 June 1948, at a press interview in Delhi, Sheikh Abdullah said :

> "We the people of Jammu and Kashmir, have··· thrown our lot with the Indian people not in the heat of passion or a moment of despair, but by deliberate choice"—this is self-determination,—"The union of our people has been fused by the community of ideals and common sufferings in the cause of freedom. India is pledged to the principle of secular democracy in her policy and we are in pursuit of the same objective."

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In a broadcast from Radio Kashmir on 1 July 1952, he said: "Kashmir's accession to India is final." The Kashmir Government Bureau of Information, in New Delhi, issued an authorized version of Sheikh Abdullah's speech made in Jammu on 12 April 1952 :

> "The relationship existing between India and Kashmir which had been sanctified by the blood of countless martyrs was irrevocable and no power on earth could 'rend us asunder'. We have chosen to remain with India at our own will and the ideas for which Gandhi ji laid down his life."

In his most authoritative pronouncement made in the Constituent Assembly of Jammu and Kashmir on 11 August 1952, Sheikh Abdullah said as follows :

> "It was also made clear that the accession of the Jammu and Kashmir State with India was complete in fact and in law to the extent of the subjects enumerated in this Instrument"—that is, the Instrument of Accession.

In another pronouncement made in the Constituent Assembly on 19 August 1952, he said :

> "We have no intention to secede from India. Everybody knows the conditions through which India and Pakistan were passing at the time of our accession to India. Our accession to India, as I have stated in my last speech, is complete".

I do not wish to depart in the slightest degree from what I have already stated before the Security Council that the Indian Independence Act did not contemplate a provisional accession nor a conditional one and that the accession did not require any ratification or consent of the people. The accession was complete and irrevocable as soon as the Ruler had executed the Instrument of Accession and it had been accepted by

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the Governor-General of India. But after the accession, a Constituent Assembly was elected when Sheikh Abdullah was Prime Minister.

The Foreign Minister of Pakistan has relied on a statement made by Sheikh Abdullah according to which the three elections in Jammu and Kashmir were rigged. It is not necessary for my purpose to go into the question of the two latter elections. But as far as the first election was concerned, when the Constituent Assembly was elected, it was held under the auspices of Sheikh Abdullah himself who was the Prime Minister. Even while the Constituent Assembly was in session, an agreement was arrived at between the Government of the State of Jammu and Kashmir, of which Sheikh Abdullah was the Premier, and the Central Government. This agreement, which is known as "the Delhi Agreement", provided for more power, to the Central Government than the original Instrument of Accession, which was restricted to the three subjects of defence, external affairs and communications, and the Delhi Agreement, was ratified by the Constituent Assembly.

So, the legal and constitutional position is perfectly clear an accession which is absolute and irrevocable, accompanied—though not required by law—by the consent of the people expressed through Sheikh Abdullah who was the leader of the largest party in Kashmir, and followed by the ratification—likewise not necessary according to the law—of the Constituent Assembly. Therefore, we have three facts to consider: first, the legal accession which is complete and irrevocable; the consent given by Sheikh Abdullah as the leader of the party, which was not necessary by law but still given, and finally, the Constituent Assembly elected when Sheikh Abdullah was Prime Minister through adult suffrage, which ratified the Constitution.

It has been argued that the elections to the Constituent Assembly were not held on the specific issue of accession. This is an erroneous argument. The very purpose of a constituent assembly is to make a constitution, and the elections to the Constituent Assembly of Kashmir were definitely and clearly held for that purpose. This is normal practice in many coun-

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tries in which constituent assemblies have been specifically elected and charged with making the constitutions of those States. This Constituent Assembly formulated a Constitution for the State of Jammu and Kashmir and duly ratified it. Section 3 of this Constitution states : "Kashmir is and shall be an integral part of the Union of India."

Also, recently, however, Sheikh Abdullah has made statements which are quite different from those cited by the Foreign Minister of Pakistan. Naturally, the Foreign Minister of Pakistan has selected only those which suit his purpose and omitted those which support the case which India has placed before the Security Council. Speaking at Batoti on 15 April 1964, as reported by *The Hindustan Times* on 17 April 1964—as recently as that—Sheikh Abdullah said :

> "It is unfair to condemn me for positions I have not taken. Mr. Krishna Menon, for instance, has quoted a statement made by me fifteen years ago against an independent Kashmir and has suggested that I have retracted from that I still stand by every word of the statement and in fact by all my commitments."

So, even today, according to this, Sheikh Abdullah stands by all his commitments, and what his commitments are I have read to the Council from extracts of statements made by him as long ago as 1948 and later. Sheikh Abdullah went on to say :

> "It is the Government of India which I feel has gone back from its commitments."—that is another matter—"I have no intention to disown my responsibility in leading Kashmir's accession to India in 1947. Nor do I repudiate my subsequent agreements with the Government of India which were intended to shape the State's relations with the Centre in accordance with the wishes of the people."

*The Hindustan Times* of 10 April 1964 reported that Sheikh Abdullah had made it clear at his news conference earlier that a plebiscite was not the only method for ascertain-

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ing the wishes of the people of Jammu and Kashmir. He had said that if the Government of India felt that a plebiscite would lead to trouble for the subcontinent, other methods must be explored to solve the problem amicably and democratically so that everybody would be satisfied. Now, this relates obviously to the relations between the Government of India and one of its constituent parts. What Sheikh Abdullah says is this: Let us try to find ways and means to satisfy the wishes of the State of Kashmir and ensure that our relations are such that they are agreeable both to the Central Government and to the Constituent State of the Federation of India.

Let us see what Pakistan has done to Abdul Ghaffar Khan, a great fighter in the freedom struggle of India and Pakistan and popularly known as "the frontier Gandhi". Pakistan released him after a long period of detention. I think the release was just a few days before the Security Council met last February. I see it as a dramatic gesture. But having released him, his movements were restricted to his village. He has not been permitted to address public meetings, to give interviews to the press, to issue statements, and hardly any word about him is permitted by the "basic, democratic" Government of Pakistan to appear in the Press or to be broadcast in its radio. He was so badly treated by Pakistan while he was in detention that today this great man is a physical wreck. Compare this with the manner in which we treated Sheikh Abdullah while he was under trial. I met him less than a week ago and he is, I can assure the members of the Council, in the best of health.

The Foreign Minister of Pakistan has again referred to the point which I thought I had shown to be entirely baseless when I addressed, in one of my previous statements before the Security Council [1090th meeting], namely, that Kashmir is in open revolt. I pointed out then that there was complete intercommunal unity in Kashmir and that not a single incident had taken place to mar the prevailing friendship and amity between the different communities living in Kashmir. The Foreign Minister of Pakistan has referred to demonstrations taking place in Kashmir. Since when have demonstrations become an

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evidence of a revolt in a country? Because Pakistan does not permit demonstrations, it does not understand the meaning of demonstrations. In a free and democratic country, of course there are demonstrations, both in favour of and against Government. There is no doubt that when Sheikh Abdullah was released there were demonstrations, but they were demonstrations in which members of all the communities participated, and until today, as far as we know, there has not been a single untoward incident.

I wish to contradict a statement made by the Foreign Minister of Pakistan in his last statement [1112th meeting] that there was a curfew in Kashmir, that there was a "lathi" charge—which means a baton charge—against the students. That statement is absolutely false. I have a telegram from India saying that all that happened was that the students demonstrated; there was no curfew, there was no violence, there was no baton charge against the students. I am really surprised and shocked that a responsible representative of a responsible Government should come before this body and make a statement that is false and baseless in order to prejudice India's case.

As I said in my last statement, and I repeat: throughout this time there has not been a single incident in Kashmir where communal amity has been jeopardized. When the sacred relic was lost, Hindus, Muslims and Sikhs mourned the loss. When the sacred relic was recovered, they rejoiced. When Sheikh Abdullah was released, all communities garlanded him and demonstrated in his favour. Students may hold a particular view about the future of Kashmir. They have every right to demonstrate. It is a democratic country. But to come to the Security Council and make a statement that there was violence in Kashmir and that there was a baton charge is the height of irresponsibility.

The Foreign Minister of Pakistan has advanced a rather curious argument that if we took the attitude that the resolutions adopted by the Security Council have become obsolete, then the cease-fire agreement has also become obsolete. It is clear, from a perusal of the official records of the Security

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Council, that the cease-fire line is a complement of the suspension of hostilities and can be considered seperately from part II and, therefore, from part III of the resolution of 13 August 1948.

There is a sinister significance in these suggestions of the Pakistan Foreign Minister. It is not merely a legal argument; it is a threat to disturb the peace of the subcontinent, because, in another part of his speech, he made no secret of his Government's intention to excite and inflame his people to go to the rescue of the people of Kashmir—what he calls the rescue of the people of Kashmir. In other words, Pakistan is working up a situation which might lead to further aggression, either by so-called raiders or openly by the Pakistan army.

Now, of course, Pakistan is in a strong position because it is counting upon help and assistance from a newly-found friend and ally, China. In my opinion, the Security Council should take serious notice of what the Foreign Minister of Pakistan has said on this point. We are all here in the cause of international peace. In flagrant negation of all that the United Nations stands for, a Member State solemnly informs this body, the Security Council, that Pakistan is preparing to commit a breach of the peace.

When we last met, every member of the Security Council was anxious that India and Pakistan should come together, have talks and discuss way and means of restoring communal harmony in both India and Pakistan, and take steps to prevent a recurrence of the terrible incidents that took place in both countries.

One hopeful and significant event that took place after the last meeting of the Security Council on this subject in February [1093rd meeting] was that the Home Minister of Pakistan, at the initiative of our Prime Minister, met in Delhi to have talks on this question. I do not know what the relations between Mr. Bhutto and Khan Habibullah Khan are, but I am rather surprised to find that there was not even a passing reference to these talks in the long statement by the Foreign Minister of Pakistan. After returning to Pakistan, Khan

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Habibullah Khan, the Home Minister of Pakistan, issued a statement on these talks. I quote from *The Pakistan Times* of 25 April 1964 :

> "The Pakistan Home Minister said that in spite of serious obstacles the meeting of the Home Ministers was quite a success, as the two Governments succeeded in setting about 90 per cent of the points necessary to restore communal harmony and peaceful atmosphere. The Government of Pakistan is determined to iron out the remaining points of difference, including evictions of Muslims from India and migrations of Hindus from East Pakistan, during the second round of meetings to be held in Rawalpindi and Karachi next month."

That means that the second round is going to be held this month, very soon.

Therefore, the talks between the two Home Ministers have been fairly successful. They have not been concluded and they are to be resumed later this month. I should have thought that the Foreign Minister of Pakistan would have shown some restraint in the statement which he made on Tuesday, 5 May [1112th meeting], and not indulged in diatribes against India and Prime Minister Nehru. But I realize that restraint is a quality that is not easily acquired.

I was very happy to see that Pakistan is now trying to emerge as a great protagonist of African-Asian solidarity and as a great champion of anti-colonialism. I do not think that it is necessary for India to remind our African and Asian friends of the stand that we have always taken in our common fight against colonialism, in support of their independence, and in our opposition to apartheid. I am sure that the African and Asian countries will look askance at this championship of the Afrlcal-Asian cause by a country which is a member of the South-East Asia Treaty Organization and the Central Treaty Organization, which believes in military alliances, and which has always questioned the principle of non-alignment.

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I do not think that it is necessary for India to remind our African and Asian friends of India's stand on colonialism ever since its independence and of its struggle against British colonialism for many decades prior to 1947. Nor do I think that the African and Asian countries have such short memories as to have forgotten Pakistan's continuing warm friendship and maintenance of diplomatic, commercial and other relations with the Government of Portugal, nor the trade relations that Pakistan maintained with South Africa in the face of the united stand of Asians and Africans against commercial and other inter-course with South Africa; nor the Pakistan Government's pro-imperialist role in the Suez crisis.

I might also remind members of the Council that it was India in 1946 that persuaded the General Assembly to pass the first resolution (44(I)) against racial discrimination in South Africa and we were also among the first to raise the question of South West Africa in the United Nations and we have continued to carry on a ceaseless fight against apartheid in all its forms. It is somewhat strange that Pakistan should talk so glibly of Indian neo-colonialism when Pakistan in respect of anti-colonialism or champion—toresta of which it has continued to subserve directly or otherwise ever since its inception through membership in the Central Treaty Organization, particularly to stem the rise of Arab nationalism. I should not like to elaborate further on this point but all that I would say is that we have nothing to learn from Pakistan in respect of anti-colonialism or championship of the cause of freedom of colonial and dependent peoples.

The Pakistan Foreign Minister has referred to many African and Asian countries supporting Pakistan on the Kashmir issue. We know that the Foreign Minister of Pakistan has been all around the world trying to get certificates of good character from different countries. We do not know how Pakistan's case was presented to these countries. But there is hardly any value attached to *ex parte* judgements, which Mr. Bhutto, as a lawyer, should clearly realize.

In one case at least we can say that the support which Pakistan has received is purely a marriage of convenience. I

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am referring to the joint communique with China, to which the Foreign Minister of Pakistan referred [1089th meeting] with such emotion. For sixteen years the Chinese Government has maintained a non-partisan and a neutral stand on the Kashmir issue. But now, after its invasion of India in pursuance of its own global policy motivated by the chauvinistic desire to establish China's domination in Asia and Africa with the assistance of some other countries including mainly Pakistan, China has choosen to take sides. Pakistan and China are both aggressors in Kashmir. Both have acquired their gains by the use of force and aggression. The affinity between them is all too obvious. It is no wonder that the Pakistan representative soon after the Chinese aggression against India went around the world trying to persuade various countries that it was not China that was the aggressor but India.

In an eloquent peroration the Foreign Minister of Pakistan appealed for good relations between our two countries. But even in this appeal he did not resist the temptation of indulging in vituperation against India. Vituperation comes so easily to him. He said that India has stalled and prevaricated for sixteen years. I wonder whether it is a typographical mistake and whether he meant Pakistan rather than India, for prevarication has all been on the side of Pakistan—ever since 1947 when it denied aggression and was ultimately compelled to admit it. Stalling has also been on its side—the refusal to vacate its continuing aggression.

I am glad that the Foreign Minister of Pakistan realizes that this is an age of freedom and self-determination and of removing shackles which bind people. Most wonderful and laudable sentiments. May I offer him a little friendly advice? Why not start translating these noble sentiments into action in Pakistan itself? Why not give adult suffrage to his people, who are clamouring for it? Why not confer democratic rights and fundamental freedoms upon his people, who have been groaning under the oppression of an autocratic and tyrannical regime?

How autocratic and tyrannical that regime can be, may

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be gathered from what is happening in Baluchistan. Mr. Abdul Haq, a member of the National Assembly of Pakistan, disclosed the other day that the "Id" gathering in Baluchistan had been bombarded. Other opposition members have also drawn attention to the repression that is going on in Baluchistan and the country-wide arrests, the "lathi" charges—perhaps the Foreign Minister confused Kashmir with Baluchistan—the firings and bombings, and they have expressed the opinion that this might be crossing the limits even of a police State. *The Guardian*, which the Foreign Minister of Pakistan is so fond of quoting, stated in its issue of 24 April 1962, referring to the Baluchistan Administration :

> "The Administration is typical of good colonial rule and there is a wide gulf between it"—that is, the Administration—"and the people".

Let us see what the Pakistanis themselves had to say about their own Government. Here is Mr. Qureshi, speaking in the National Assembly at Dacca—this is a from the official records of Pakistan :

> "We talk of the right or self-determination for the people of Kashmir although we deny the basic rights to the the people of Pakistan."

On 2 April 1964, an interesting incident happened in the course of the debate in the National Assembly in Rawalpindi which throws a flood-light on the restrictions placed upon public debate in the legislature on the issue of self-determination for the people of Pakistan. Mr. Qumar-uz-Zaman, a member, stated that Pakistan failed to get sympathy on Kashmir because of failures within the country. The Government demande self-determination for Kashmir but refused franchises for the people of Pakistan, and the world knew that the Government had on popular support. The Foreign Minister of Pakistan intervened saying that it was not relevant whether India was a democracy and Pakistan wns not. Evidently upset by Mr. Zaman's argument, be called it highly injurious to national interests.

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Mr. Hussain Mansoor, another member, said that the Foreign Minister could not refuse the charges against Pakistan by Minister Chagla in the Security Council—I am very grateful to Mr. Hussain Mansoor, whoever he is, I do not know him—and the Speaker intervened saying. "Kindly stop there; it is not a matter for playing about". The result of the discussion was that the House, with the support of the Foreign Minister of Pakistan, went into secret session. This is self-determination. This is the right of the people of Pakistan.

I also find from the debate in the National Assembly of Pakistan—the debate on the Constitution First Amendment Bill, which was held on 20 March 1963—that under an ordinance which is on the statute-book of Pakistan today, a police officer interrogating a person can torture him into making a confession. When I read this, I asked myself: "Am I living in 1964, or am I living in the mediaeval era?" I cannot conceive of a country putting on the statute-book a measure which permits the police to torture people into making confessions. And this is a statement made, again, in the National Assembly of Pakistan. This was stated in the Pakistan National Assembly by Mr. Yousaf Khattak, leader of the opposition.

The Foreign Minister of Pakistan has relied on opinions expressed by Mr. Jayaprakash Narayan and some other Indians in support of his case. The trouble with the Foreign Minister of Pakistan is that he does not or cannot realize that India is a democratic country and one of the fundamental principles of democracy is the right to dissent and the right to express that dissent. In a large country like India the Foreign Minister of Pakistan will always find some people with misconceived ideas who accept the thesis propounded by him. But has he taken the trouble to inquire what is the following of these people and whether is the remotest possibility of their view being accepted either by Parliament or even by the tiniest section of our people?

Towards the end of his speech, the Foreign Minister of Pakistan made a fantatic suggestion that Sheikh Abdullah should be called before the Security Council to give information which will be of assistance in examining the question

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before the Council. Sheikh Abdullah is a citizen of India, who, I assume, has a large following in Kashmir. He has the greatest affection and regard for our Prime Minister and is at present in Delhi, staying with the Prime Minister as his guest. Like any other citizen, he has the right to approach his Prime Minister and represent to him what changes he thinks should be made in the political and administrative set-up in Kashmir. But with all that he is no more than a private citizen. The parties before the Council are India and Pakistan, and the alone have the right to appear through their official delegations. It is solely for India to decide who should be a member of its delegation. The suggestion made by the Foreign Minister of Pakistan is, therefore, totally unacceptabe to my Government.

The Foreign Minister of Pakistan has paid me a compliment by referring to me as a judge and quoting what I said in Patna that law must take its course with regard to Sheikh Abdullah. Perhaps the Foreign Minister of Pakistan does not appreciate the fact that in my country we have equality before the law and, as far as the law is concerned, it makes no difference whether the person concerned is high and mighty or is the humblest citizen. As a judge, and I was a judge for many years, I administered the law and I did not distinguish between one citizen and another. I applied the law equally. And that is all I meant when I said what the Foreign Minister of Pakistan quoted. It was not intended as a threat against Sheikh Abdilah, it was only a reminder that law cannot make any exception in favour of anybody.

My final appeal to the Security Council is to realize that the differences between India and Pakistan can be solved only by those two countries, and that there is more chance of a settlement if there is no intervention by third parties. No superimposed solution will do any good. The Security Council should take note of the discussions that have already started between the two Home Ministers and hope that these discussions will end successfully and bring about an atmosphere of communal harmony. It is only when such an atmosphere is established that it will be possible to discuss with Pakistan our other outstanding differences.

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199. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1114 held on 11 May 1964.*

There was a good deal of invective and vituperation in the statement of the representative of India. As my countrymen have read the statement, it is natural that many of them would want me to reply in kind. An eye for an eye and a tooth for a tooth is a primal human impuls and the resultant temptation is not always easy to resist. But my position is different from that of the representative of India. His concern is to avoid a solution of the problem before us; my duty is to urge that a lust solution be effected speedily. Considering the human poignancy of the problem, considering the travail and suffering of the people of Kashmir. I cannot allow myself to be deflected from the path of seeking an end to the tragedy which has overtaken that unhappy land since 1947. The representative of India enjoys abundant freedom to villify us and to try to confuse the Security Council. My freedom, on the other hand, is greatly circumscribed by the duty to clear away the undergrowth, if I can, and again and again to emphasize to the Security Council, at the risk perhaps of wearying members, that the problem will not take care of itself unless the Council takes it effectively in hand. That is my primary aim, but while I have to keep it steadily in view, I am also confronted with the necessity of setting the record straight. It is not an agreeable task, but it is mandatory. For where the life and future of millions are involved, where the honour and reputation of a country are concerned, it is not something from which one can in conscience abstain.

Beneath a rather transparent mask of righteous indignation, there was a note of desperation in the speech of the Education Minister of India. The desperation is understandable. It is caused by the fact that the overwhelming force of public opinion Kashmir has removed every moral and political support from India's occupation of the State. Perhaps the Indian representative feels bound to voice this desperation. But the extraordinary thing about his statement was not so-

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much its poverty of facts and arguments as a plethora of irrelevancies.

Members of the Security Council have doubtless noted that, in his statement, the Indian representative dwelt on the situation between Indian and China, on SEATO and CENTO, on the happenings in Djakarta, on the Christian minority in Bengal, on the culture and cosmology of Pakistan, on the menace of military alliances, on Bourbons and brothels, and on a variety of other topics. Indeed, he opened his speech by talking of the Chinese conflict with India, which has nothing to do with the present situation in India-occupied Kashmir. Assuming that it is not against Indian policy to maintain a sense of proportion and rational discourse, this injection of irrelevancies is not an accident. It is deliberate. Its design is obvious. It is nothing other than to make a debate on Kashmir in the Security Council so utterly confused as to choke off every constructive proposal.

In my earlier statement, I had deliberately refrained from referring to the communal situation in the region because the Home Ministers of India and Pakistan have met to find a solution of the problem of evictions of Indian Muslim nationals and to bring about the restoration of a sense of security and safety to the minorities in both the countries. I do not in any way wish to prejudice those efforts or to inflame communal passions.

The Education Minister of India, on the other hand, has recklessly tried to rake up the embers of religious passions by charges of murder, loot and worse crimes alleged to have been carried out against the Hindus, Christians and Buddhists in Pakistan. The world is aware that there has been a mass killing of Muslim men, women and children in certain parts of India, especially eastern India, and the vandalistic destruction of their properties, homes and honour.

The single-mindedness with which the representative of India set about maligning my country led him to make the charge that Pakistan was founded on the principle of religious apartheid. This attempt to establish guilt by association is not only a calumny against my country but an insult to the

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struggle of the people of South Africa for equality, justice and freedom.

The Education Minister of India ought to know that the ideology of Pakistan is truly founded on Islam which admits of no apartheid, racial or religious. In history Islam has been a liberating force, upholding the equality and dignity of man as an individual human person regardless of race, creed or colour. This revolutionary role of Islam is universally acknowledged and I can only deplore that Mr. Chagla should consider the ideology of Islam to be mediaeval and reactionary. Islam acknowledges no established church nor does it recognize priesthood. We, the people of Pakistan, for that matter those of Asia and Africa who are the followers of Islam, recognize that all modern concepts of human equality in political, social and economic spheres are implicit in its teachings.

The predominantly Muslim countries which are Members of the United Nations recognize Islam in their constitutions as the official religion of the State. Does that make them mediaeval and reactionary? Does the Education Minister of India consider them, by virtue of such a provision in their constitutions, as practitioners of religious apartheid?

I would have thought that a representative of India would take particular care to avoid using such expressions as religious apartheid, a unique form of intolerance, the only example of which is provided by the Indian caste system. Indian society for more than 2,000 years, notwithstanding the Constitution of India, lives, moves and has its being in the caste system which is the negation of equality of man, the dignity and worth of the human person.

If, therefore, religious apartheid was involved in the creation of Pakistan, then the Muslims of the subcontinent were its victims and not its perpetrators.

The trouble with many Indian leaders is that they insist that Pakistan and its people should renounce the spiritual values of their faith which nurture the institutions and guide their way of life, before India can accept Pakistan's existence as an independent and sovereign State and as a fact of life.

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Such attempts at ideological aggression are contrary to the principles of peaceful coexistence between different political, social and economic systems in which alone rests the hope for world peace and the survival of human dignity.

In saying this, I have perhaps paid some tribute to the endeavours in India to make the Indian society a secular society, because if a Muslim from India is unable to appreciate the values, the principles, and the guilding forces of Islam, he has surely become a secular citizen.

There is another matter on which I must set the record straight, as the Education Minister of India has misquoted me. What I said in my intervention in Parliament, to which he referred, is that in relations between Stats and on the question of settlement of international disputes, the internal political and social regimes of countries are not relevant. Amplifying this statement, I said on that occasion, and on several others, that whether India has parliamentary democracy and Pakistan has the presidential system, whether India has direct elections and Pakistan has indirect ones, whether India has the caste system and Pakistan has not, are question irrelevant to the question of a Kashmir settlement. What I said then, and what I say now, is elementary international law, and it is also a principle of Pancha Shila. I am surprised that the Education Minister of India should have foregotten so readily the principles of Pancha Shila proclaimed so resoundingly by his country for many years and which the world was never permitted to forget. And yet the Minister of India talks of the Bourbons.

Mr. Chagla has taken special pains to malign Pakistan in the eyes of the Christian world. May I inform the Council of the sentiments of the Pakistani Christians, whose leaders in a joint statement on March 14,1964 said; "We never sensed any feeling of communal hatred or misgivings from the members of the majority community towards us in Pakistan."

A prominent leader of the Garo tribe in East Pakistan, Kan Sangura, in a statement published in the Press on 7 April 1964, stated :

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"We had never received any ill-treatment from anybody in Pakistan. We left our villages only out of fear, as one day we suddenly saw a group of people belonging to the Bangshi and Hajang tribes leave Pakistan for India. We stayed there about a month, after which the Indian officers started taking away the Christian Garos to far-off places. We were frightened at this and wanted to return to Pakistan. This infuriated the Indian officials who refused to let us go back to Pakistan."

Referring to the Garo exodus from Pakistan, the president of Pakistan, addressing a mammoth meeting on 4 March 1964 in East Pakistan, declared that Pakistan wants all the migrants to return to their homes, that the Government would in that connexion make earnest efforts to assist them and that their homes and their lands would be protected by the Government of Pakistan until they returned to Pakistan. In response to the President's declaration, these tribes are now gradually returning to Pakistan. So far, more than twelve hundred families of Garo Christians have returned to their homes.

As the treatment meted out to the Christian minority in Pakistan, let me quote from a statement made today by Mr. Joshua Fazluddin, a Christian leader who is a recipient of the Pope's Medal and Rosary and a versifier of Holy Gospels. I quote :

"The Garos got direct inspiration, even aid, to leave Pakistan."

"The exodus of Garos, even their number, is not at all a true index of the treatment of the Christian minority in Pakistan.

"In Pakistan the Christians enjoy perfect social freedom and security as evidenced by the growing number of Christian schools, colleges, hospitals and other institutions. That they enjoy perfect religious freedom is clear

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> enough from the growing number of churches and convents as well as theological schools and colleges, and that there is no prejudice against Christian workers is amply proven by the advent of many new missionaries".

The representative of India painted a glowing picture of the condition of the minorities in secular India. Let me now place before the Council the views of a Christian Member of the Indian Parliament on the communal situation in India. Mr. Frank Anthony, let me say, is no publicist of Pakistan. He was heckled by frenzied interruptions and prevented from completing his speech in the Parliament of a country which Mr. Chagla would have the Council believe is the epitome of secular democracy. Mr. Anthony said on 14 April 1964, according to the official records of the Indian parliament: "How will you ever attract their"—Indian Muslims'—"loyalty and love for this country if every now and then. . . they may be objects of recurring murder, if every now and then they have to walk in the shadow of death, of arson of loot and of rape ?"

According to Mr. Anthony, the ruling party in India is infected with communalism :

> "Look at some of the States, some of the leading members of the ruling party, indistinguishable in their thinking, in their approach from the worst communal element in this country,"

About the militant Hindu organizations in India, Mr. Anthony has this to say :

> "...they are the well-known communal parties in this country. There is no need to name them; they are already known. In spite of their protestations, their goals and their objectives are clear. The tragedy is that they not only have the political, but they have para-military arms..."

This statement deserves to be carefully noted. It means that the Government of India permits millitant communal

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organizations, whose avowed object is the expulsion or annihilation and termination of the minorities to maintain paramilitary forces to consummate their ends.

An English language newspaper of Calcutta *The Statesman* of 4 May 1964, has this report in regard to the complicity of the administration in the riots, from a special correspondent who had toured the riot-torn areas in Eastern India: "They"—the Hindus—"had also learnt that one could get away with looting, arson, murder and other crimes if these are committed in an organized way".

Mr. Jayaprakash Narayan—to whom the representative of India referred as the infinitesimal voice in India representing a small body of public opinion, which I think we all know is hot truly correct because Mr. Jayaprakash Narayan was one of the founding fathers of the Indian liberation movement and is still a very important force in the political life of India—wrote a letter to the presiding officers of both Houses of the Indian Parliament after visiting the riot affected areas. The text was published in the Indian Press on 17 April 1964:

> "I visited all the affected areas in the city (Jamshedpur) but did not have the stomach to visit more than two of the seventeen Muslim refugee camps."

He goes on to describe the extent of the disturbances of which the Government of India was apparently oblivious :

> "Terrible things have happened and on a scale that has not been realized by Delhi or the country at large."

The organized nature of these crimes has been emphasized in this letter also :

> "There is no doubt in my mind that there was an organization behind these dastardly activities which operated from a comman centre, manufactured and spread rumours, planned and financed specific actions, provided the whole operation with a political and philosophical justification."

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This is about the happenings in India—secular India, democratic India, modern India.

How and why the Indian administration failed to deal with this organized, militant force is also described in Mr. Narayan's letter :

> "It was further proved how inadequate and inefficient was the civil administration and how the forces of law and order were themselves infected considerably with the virus of communalism".

This virus of communalism, according to the letter, has also affected the political parties in India :

> "It is interesting to note that all the political parties"—chiefly three operate in the area: the Congress, the Praja Socialist Party and the Communist Party of India—"and the trade unions were rendered completely impotent in the face of the upsurge of organized criminality".

And finally, Mr. Narayan's letter states :

> "It was also proved that education"—this will be interesting to the Minister for Education—"including science and engineering education, was no guarantee against animality and criminality"—which was epitomized the other day.

In a joint statement issued in Calcutta, on Saturday, 25 April 1964, Mr. Jayaprakash Narayan and seven others, Indian leaders, stated the truth about the communal riots in India. I shall quote some extracts of the statement :

> "Atrocities have been committed in India that are as bestial, shameful and unthinkable as any committed elsewhere."

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It goes on :

> "Women, and pregnant women at that, had been cut down, bludgeoned to death, babies thrown into the fire and young women raped to death".

In contrast, the Muslims in Pakistan risked their lives to save Hindu citizens, and this is also acknowledged in the Indian leaders' statement :

> "There"—in Pakistan—"at least thirty young Muslims have laid down their lives in trying to protect their Hindu neighbours".

It is a noteworthy fact of Indian political life that organized political parties exist in India with their own paramilitary organization, or private armies, which are allowed to develop and flourish and which are dedicated to the mass expulsion of the Muslim minority, 50 million strong, or its annihilation as a seperate religious and cultural group by force and by violence. I make this statement with all deliberation and due sense of responsibility, and I am prepared to substantiate it, if called upon, in this world forum. By way of instance, let me quote to you what Mr. Frank Anthony, an Indian Christian, member of the Indian Parliament, said in the Indian Parliament as reported in *The Times* of London of 14 April 1964 :

> "The heart of all his speech,"—as reported by the *Times* correspondent—"however, was a charge that communal killings this year had not been spontaneous outbreaks of Hindus maddened by reports of the sufferings of fellow Hindus in East Pakistan, but an organized expression of entrenched 'revivalist' political forces in this country. He asserted that men in the pay of these revivalists (which can be taken to mean parties such as the Jan Sangh and the Hindu Mahasabha) had been responsible for the killing of Muslims, and had incited the tribal peoples

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into attacks not only on Muslims but, he implied on 'defenceless men, women and children' of his own Anglo-Indian community.

"...For all the official talk of the need for 'exemplary punishment' few, if any, murder charges have arisen from this year's killings."

And yet the representative of India talks of his country as a modern and secular State, believing in a multi-communal, multi-linguistic society and accuses my country of keeping up religious frenzy and religious fanaticism.

Recently, Mr. N.M. Anwar, Congress Member from Madras, caused a stir in the Rajya Sabha when he bluntly admitted that the Muslims in the ruling Congress Party are "show boys". Participating in the debate on the Finance Bill, Mr. Anwar dwelt on the problems of the Muslim minority in India and said that the problems of India's 50 million Muslims were innumerable.

Speaking of the Indian Union Muslim League Mr. Anwar said that this organization "often interpreted the mind and soul of the Muslim community of this country". He welcomed the release of Sheikh Abdullah and expressed the hope that Sheikh Abdullah, who is the real archited of Kashmir's destiny, would bring about closer relations between India and Pakistan.

Mr. Anwar—a Member of the Indian Parliament. like the Indian representative here—said :

"Certainly, where is the comparison ? I tell you that Sheikh Abdullah is bringing home the lesson to the Hindu community of India that, if you wont to look for real leadership of the Muslims, do not go to show boys and charity boys. They are not going to be assets but liabilities to the Hindu society . . .

"Under the present joint electoral system the Hindu

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society has no opportunity to get to know the real mind of the Muslim community because most of the Muslims whom the secular party has adopted have naturally got to be considered as show boys of the majority community."

In my statement of 7 February 1964 (1089th meeting). I had apprised the members of the Security Council of the brutal evictions of the Muslims of India from the states of Assam and Tripura in Eastern India. The representative of the Government of India has claimed: "Hardly any of the 50 million Muslims of India wish to leave the country." (1113th meeting. para. 9.)

I challenge that statement of the Education Minister. After the communal killings in January last, over 100,000 Muslim refugees poured into East Pakistan from the neighbouring districts of West Bengal, a province of India. In Calcutta alone, nearly 2,000 families demanded migration certificates from the Deputy High Commissioner for Pakistan to seek asylum in East Pakistan.

In addition, 130,000 Muslims have so far entered East Pakistan, driven out of India, deprived of their belongings under an organized plan of the Indian authorities. It should be realized by the Government of India that the root of the problem in the present circumstances is its policy of eviction of Muslims. One hundred and thirty thousand displaced and destitute people have poured into East Pakistan over the last two years. The continuance of these evictions results in the creation of insecurity and uncertainty in the minds of the Hindu minority in Pakistan. The allurement that Indian authorities provide for the migration of Hindus from Pakistan add to the difficulties of the situation.

Members of the Security Council are aware that there is a substantial number of Buddhists living in Pakistan—some half-million of them. The Education Minister of India has said that we are treating our Buddists "abominably". Let us see what the Buddhist leaders in Pakistan have to say. The leader of the Buddhist delegation to the Asian Buddhist conference has made this statement :

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> "I take this opportunity to mention, by way of showing an example of mutual respect for different religions in Pakistan, as in other civilized countres, that our Government have donated us a spacious plot of land in Dacca" —that is in East Pakistan—"for setting up an international Buddhist university and other related institutions. Besides, the Pakistan Government is extending to us all facilities in the field of education, culture and development of general social life."

While the Education Minister has talked of the so-called ill-treatment of Christians in Pakistan, he has been silent about the systematic and brutal persecution of the Nagas, most of them Christians, which has been going on in East India for many years. Let me refer to the Latest independent report about the Nagas, which appeared in *The Observer* of London in dispatch from a special correspondent published in its issue of 23 February 1963 :

> "Reports from Nagaland reveal serious military repression both before and after the election for the new Naga State Assembly on 31 January."

The correspondent gives an eye-witness account, which I quote :

> "On December 4, three villages were burnt and the populations were badly beaten. Women and children were not spared. A one-year-old child was snatched from its mother and its hands broken in two."

This is not a statement by the Pakistan Government, but from *The Observer*. It goes on :

> "Five people were beaten to death. Four others were shot. They were chosen because they were influential men in their society."

Brutalities of this kind have been perpetrated on the Nagas for a long time. Sixteen years of aggression and terror

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have been visited upon this small Christian fortress in the eastern part of India. In spite of India's ruthless drive to crush the spirit of the Nagas, these brave people have fought and resisted all Indian in-roads against their liberation movement.

I come now to the other charges levelled against Pakistan by the representative of India. He began his speech by saying :

> "We have been witnessing with amusement, and also with a certain amount of disgust, the greatest tightrope act ever seen in international affairs. Pakistan has achieved this act with extraordinary skill by keeping one foot in the South-East Asia Treaty Organization and the Central Treaty Organization and the other in the Chinese camp. (1113th meeting, para. 4.)

Apparently, India's amusement and disgust are reserved for Pakistan alone and not for the other members of Western alliances, who recognize China and desire to promote normal relations with our country in the interests of world peace.

May I ask the representative of India what his own country is doing. It has one foot in the Communist camp and the other in the Western camp. It is dancing to both tunes. While it proclaims non-alignment with both, it exploits both, and each against the interests of the other. India accepts arms aid from both the Communist and non-Communist comps. India's arms are very long: it takes both from the West and from the East. Today, reports in *The New York Times* show that it is asking for massive military assistance from the United States. Can India then still claim to be a non-aligned country? And yet it has persistently denounced Pakistan for being a member of SEATO and CENTO, both of which are defensive alliances.

Whatever the changing world situation, India claims the change in its favour. Whatever the change, India interprets it as another reason to reinforce its hold on Kashmir. When Pakistan accepted United States military assistance, the situa-

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tion in Kashmir underwent a change, according to India, in favour of India, so as to justify refusal to implement the right of self-determination of the people of Jammu and Kashmir. When Pakistan joined SEATO and CENTO the situation in Kashmir changed, according to India in favour of India, to reinforce its stand against the self-determination of the people of Jammu and Kashmir. When the world was divided into two cohesive camps, the situation in Kashmir, according to India, underwent a change in favour of India, to force the people of Jammu and Kashmir to remain bound to India against their wishes. Now, when India accepts military aid and has become aligned de facto, the situation, according to India, has changed in favour of India, precluding the right of the people of Jammu and Kashmir to determine their future freely and in accordance with their wishes. And today, when the patterns of alignment and non-alignment have altered radically, the situation, according to India, has changed in favouy of India, permitting it to absorb and devour Kashmir as an integal part of India. Thus, whatever the change, one fact stands out change except to the people of Jammu and Kashmir.

To India, there is no such thing as the objective merits of claims. The Greeks of old had their sophists and the Middle Ages their schoolmen. The modern world has the practitioners of statecraft from modern, democratic secular India.

What the preparatory meeting of the sponsors of the Second Asian-African Conference, which was held recently in Djakarta, has to do with the present debate in the Security Council would, perhaps, bewilder all of us. It is, however, obvious to my delegation why the representative of India, who has been a jurist and has invoked the rules of evidence, which he loves so much, should yet disregard those very rules by citing patent irrelevancies to the Security Council. He said:

> "Pakistan, China and a few other countries" —why does he not admit it, why does he not say Indonesia, why does he not have the courage to say "Pakistan,

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China and Indonesia?"—"ganged up" to deny the Soviet Union a place in the Asian world and refused Malaysiya admittance to the next Asian- African Conference as an Asian country, although Malaysia has an undoubted right to it "[1113th meeting para. 4].

These statements are untrue; they are utterly untrue. They have been made in a blatant attempt to win favour for India in certain quarters by maligning and misrepresenting Pakistan.

I must state for the record, and state most clearly, what happened in the Djakerta meeting It is well known that the Government of India made every endeavour to prevent. The convening of a Second Asian-African Conference. When these attempts failed' therepresentatives of India descended on Djakarta. Two days before the end of the Preparatory Meeting, without any consultation or notice, India proposed that the Soviet Union should be invited to the Second Asian-African Conference. All delegations were taken some what by surprise as the USSR had not participated in the first Bandung Conference. While acknowledging the great contribution made by the Soviet Union to the struggles of African and Asian people against imperialism and colonialism, several countries expressed doubts as to whether the Soviet Union is an Asian Power. Other delegations wanted time to seek instructions from their Governments. I made it very clear on behalf of Pakistan that we were taking no position on the substance of the proposal, but that we needed time to consult Karachi and Rawalpindi. Therefore, it ill becomes the representative of India to say that Pakistan "ganged up" with a few other countries—he means Indonesia and Indonesia alone—"to deny to the USSR a place in the Asian world".

In regard to Malaysia, I expressly stated that Pakistan considered that Malaysia should be invited to the Second Asian-Africn Conference as soon as |posssble. I made this statement on 14 April 1964 in the presence of the Indian delegation and other delegations which were present at that meeting.

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The representative of India has again accused Pakistan of handing over 2,000 square miles of territory "at other people's expense" to the People's Republic of China. Pakistan has not surrendered a single inch of territory to the People's Republic of China. The boundary negotiations, which took place in a spirit of mutual accommodation and compromise, resulted in the relinquishment of 750 squaure miles of territory by Chana in favour of Pakistan—territory which lies beyond the main axis of the Karakorum mountains which constitutes the principal watershed between the Indus and the Tarim River basins. This 750 square miles of territory was in the effective possession of China prior to the boundary agreement and had always been under Chinese jurisdiction and control. From the end of the nineteenth century, when the British rulers of India acquired control of the northern areas of the State of Jammu and Kashmir, never did they once exercise control or jurisdiction over the 2,000 square miles that Pakistan is accused of having surrendered to China or even over the 750 square miles of territory relinquished by the People's Republic of China to Pakistan. On the contrary, notes served by the former British Government of India to the Chinese authorities acknowledge the latter's title and sovereignty over this area, and these notes exist in the archives of the British and Pakistan Governments.

The representative of India ought to know that where frontiers are undefined, and territories have for centuries remained in the possession of the other side, it is fantastic to talk of "surrender" of a territory which one has never possessed and to which it is not possible to put forward claims under the rules and customs known to international law. There has been a net acquisition of territory. What the representative of India has said about the surrender of 2,000 square miles of Pakistan is another example of auto-suggestion to which his Government is so susceptible.

The Sino-Pakistan Boundary Agreement has been hailed throughout the world by the Government and the Press as a statesmanlike settlement. Let me reiterate that the Sino-

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Pakistan Boundary Agreement dose not affect the status of the territory of Jammu and Kashmir. It does not derogate from the imperative of demilitarization of the State as required by the resolutions of the United Nations Commission on India and Pakistan. It dose not detract one jot or tittle from the right of self-determination of the people of Jammu and Kashmir. Article six of the Boundary Agreement specifically safeguards all these matters. Let me quote this article:

> "The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China, on the boundary, as described in Article two of the present Agreement of Kashmir so as to sign a Boundary Treaty to replace the present Agreement.
>
> "Provided that in the event of that sovereign authority being Pakisan, the provisions of this Agreement and of the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between Pakistan and the People's Republic of China."

It was not necessary for us to introduce this proviso, but we did it only because we knew that this dispute was in the Security Council and it had to be determined by this world Organization. We left the proviso there that if the Security Council or if the plebiscite were to be determined in favour of India, India would have an opportunity and a legal right and legal claim to renegotiate the boundary agreement with the People's Republic of China.

The representative of India has again repeated the thesis which he put forward in the Security Council last Februaty that :

> "...in the context of what has recently happened there, Kashmir is vital to India, not only for recovering the territory which China has unlawfully occupied, but also

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for resisting future aggression by China. The defence of Ladakh, which is in the north-east of Kashmir, against the continuing menace of China is impossible except through Kashmir". [1113th meeting, para. 5].

Here we have yet another argument, conjured up by India as to why Kashmir must be held in bondage regardless of the right of self-determination and the solemn international agreement to respect that right to which India is pledged. The representative of India maintians that Kashmir has now assumed vital importance for India's defence against China. Here then, is a dangerous doctrine. Self-determination and sanctity of international agreements must give way to the considerations of military strategy and the neocolonial avarice of India. The members of the Security Council have only to cast a glance at the map of the region to realize the hollowness of this contention. It is not through Ladakh or the Kashmir that the security of India can or will be threatened. There are easier and more obvious invasion routes to the heart of India. In the name of the defence of India, India seeks to negate the Charter of the United Nations by invoking the doctrine of *realpolitik*. Who is speaking the language of Hitler and Goebbels? Which country has taken a leaf out of the infamous pages of *Mein Kampf*?

You must hold the people of Kashmir in bondage because you fear that you cannot defend India adequately against China unless and until you chain the people of Kashmir. Today you want to chain the people of Kashmir. Tomorrow you will want to chain the people of Nepal, of East Pakistan and of West Pakistan in order for you to defend yourselves against Communist China. This is the most dangerous and most notorious doctrine that has been propounded in the Security Council.

For many years India has sought to project her image abroad as a country which is working to prevent war, to reduce world tension, to wipe out colonialism and to espouse the rights of small States against the great Powers. But from time to time the reality behind this image becomes exposed.

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The representative of India, carried away by the violence of his distribes against Pakistan, invokes doctrines which stronger States propound to impose their will on weaker ones. Imperialism has found no difficulty in clothing itself with philosophical justification for the evil that it inflicts. In 1962, in a diplomatic note addressed to the Chinese Government the Government of India formally stated that it had a common border with the People's Republic of China right from the Pamir Mountains in the north-west to the borders of Burma, thereby claiming that not only Kashmir, but also Nepal, Sikkim, Bhutan and even parts of Burma were within the borders of India. This false and outrageous claim, like the one now made by the representative of India, was also a revelation of the inner thinking of the Government of India—that all the neighbouring smaller States and territorties must remain within the Indian sphere of influence or domination because they are "necessary" to the defence of India against China.

You may usurp and devour all the smaller States, but you can never, under any circumstances, dominate the spirit of the people of Pakistan. They will always stand by the liberation of the people of Kashmir and all the smaller States, in the name of the liberty and freedom of the people of those regions.

The world is perhaps not ignorant of the reasons why India strikes the posture of a nation bent on recovering by war territory from China. This stance is, of course, intended to impress the Western Powers while, simultaneously, negotiations for a peaceful settlement are carried on by proxy through the Colombo Powers with the People's Republic of China. This dual policy—to talk publicy of war with China and at the same time to put forward privately proposals for a negotiated settlement of the Sino-Indian border dispute—is obviously pursued to obtain the best of both worlds and, in particulat, to procure massive military assistance from the Western world while maintaining a facade of non-alignment : How long can the world be taken in by such double-faced conduct ?

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India looks upon the problem of Kashmir as a case in property law, a case of real property. In the revealing analogy drawn by the Minister of Education of India, his country's position in Kashmir is that of the rightful owner of a house, deed and title to which have been duly assigned and delivered to India by the previous owner, the Maharaja of Kashmir. The Minister of Education of India found it appropriate to describe Pakistan's role in Kashmir as that of a burglar. But Pakistan comes before this council not as a burglar nor as a self-proclaimed proprietor, nor as a feudal lord of Kashmir. We come here, and have come before you year after year, with the simple proposition that Kashmir is not a piece of property, that its fate is not to be sealed or signed away through any instrument of accession, deed of transfer or other such transaction that has to be registered in a court of law; that it is rather the free-will of the inhabitants—Muslims, Hindus, Sikhs or Christians—and their free will alone, which has to be determined and decided. It is not real estate, it does not involve property law and it does not have to be registered in a court of law. It is the will of the people that has to be determined.

Over the years, India has sought here, before this organ of international peace and in the world at large, to establish its proprietary right over Kashmir. It has tried to spin a web of pseudo,legalistic arguments in which to entangle for ever the people of Kashmir. The voice of Kashmir, so long muted, is heard again, telling India clearly and unmistakably that Kashmir is not property, nor its 4,000,000 people loot or booty, that the right of self-determination must prevail, and it must prevail in Kashmir as it has prevailed elsewhere. The Minister of Education of India complains that the Council's consistent support of this principle over the years is to be ascribed to nothing but the blindness of some and the indulgence of others. Let him not deceive himself in seeking to deceive the world.

It is too late for India to seek sympathy for the doctrines which, in the last century, apportioned the countries of Asia and Africa among alien "owners". Today the world is on

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guard against attempts to appropriate territory on the basis of self-promulgated laws, for the self-appointed task of good governance, or on the pretext of national defence and strategy.

The Minister of Education of India addressed a set of questions to the members of the Council regarding the rights of Pakistan in Kashmir. The Council his, by word and deed, given clear answers to these questions. The Council may wish once again to remind the Education Minister of India of the resolutions adopted by it in the past on the question of Jammu and Kashmir.

The world-wide support given to the cause of justice and the right of the people in Kashmir is not a certificate of good character to Pakistan. Pakistan seeks no such certificates, much less is it my intention to follow the example of my colleague from India in myself giving a certificate of good character to my own country. I shall gladly leave to him the enjoyment of the solitary virtues of self-righteousness and self-esteem. I leave it to our friends in Africa and Asia to ponder over the invitation extended to them to "look askance" at Pakistan's support of African-Asian cause because of Pakistan's membership of SEATO and CENTO. I will refrain also from going into the nature of India's non-alignment, its expediency, its practical utility and profitability on which the world has gained new insights in the last few years. As for Pakistan's alignment and alliances, the truth is plain for all to see that they have not stood in the way of Pakistan in its pursuit of its policy of friendship with all countries of the world, irrespective of their ideology, political beliefs or social systems. Nor have our engagements towards our allies prevented us from taking issue with them on questions of principle. Our support the freedom movements in Africa and Asia has never wavered.

As regards apartheid, we have opposed this evil doctrine since the beginning side by side with all right thinking countries, not excluding India. Of course, since Pakistan, like the vast majority of African and Asian countries, was not a member of the United Nations in 1946, we are not in a position to

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claim the chronological honour of being the first to have raised the issue in the United Nations.

The representative of India was anxious to disclose that all trade relations between Pakistan and South Africa have not yet ceased. We are not here discussing apartheid or the question of sanctions against South Africa. These matters have been discussed in other forums and, as shortly after the present debate terminates, the Security Council will turn its attention to finding ways and means of compelling South Africa to end its intransigence and its persistent disregard of United Nations resolutions on the matter. On the question of Pakistan's trade with South Africa, I would like to put on record—and this is of course already widely known through the letter addressed by Pakistan to the Secretary-General—that while import and commercial relations of all kinds between Pakistan and South Africa have been completely banned, the questions of stopping Pakistan's exports to South Africa is receiving the most active and urgent attention of my Government. In passing, I would like to draw the attention of the members to the document dated 5 March 1964 which contains statistical tables of South Africa's foreign trade. A study of this document shows, India's so-called byocott notwithstanding, that India continues to trade with South Africa.

We have, in our previous statements before the Security Council, already dealt with the lack of legality in the Maharajas accession to India and with the fact that the accession of Kashmir to Pakistan or to India can be decided only by the people of Jammu and Kashmir. By saying that the accession to India, effected by the Maharaja, makes Kashmir irrevocably a part of India, India knows, or should know, that India does not establish any link between India and Kashmir, because no link can be established by pseudo-arguments. But what India does by this kind of rhetoric is to bring into question the very basis of India's nationhood, to throw into doubt the nexus that holds the Indian nation together. Kashmir is no part of India: therefore, by allowing it to decide its own future, India does not suffer the loss or secession of a part of it, and the Indian nation as such remains inviolate. But by opposing

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Kashmir's act of self-determination, by equating Kashmir with the constituent States of India, Madras for example, by saying that if Kashmir goes, Madras will also go, India will not keep Kashmir but it might weaken its link with Madras. It is not by fulfilling a pledge solemnly given by its government in an international agreement that India will lose its integrity. It is by opposing the fulfilment of this pledge that India runs a risk of disintegration.

Let the Indian representative pretend as much righteous indignation as he may, the fact remains that we do not seek the disintegration of the Indian Union. What we seek is a conformity to the principles of the Charter, a scrupulous discharge of international commitments, and a recourse to concrete methods and procedures for the settlement of international disputes. What we seek is a practical demonstration of the principle of the sovereign equality of nations in the subcontinent. What we seek is the restoration of the equipoise in the relations between India and Pakistan will remove grievances and banish fear from the mind of each other. In sum, what we seek is the abandonment of those policies of the Indian Government which, contrary to the principles of organized international life, not only weaken India's moral fibre but also act as a drain on its strength so on ours.

There is one lesson writ large in the histoey of the post-colonial a·e. It is that when imperialist Powers have gracefully renounced their colonies, they have not lost but gained in strength. They have gained in it, not only in moral terms, but in prestige; not only in greater coherence of national life, but also in concrete terms of economics. By maintaining the possession of a land which resents this possession, by stifling the personality of a people whose affiliations lie elsewhere, a country drains its resources and dissipates its strength.

I have been accused by the Indian representative of threatening a breach of the peace in the event that India again resorts to the suppression of the people in Jammu and Kashmir by force. We ask that the situation in Kashmir be brought under the control of the United Nations. Would a nation that

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intended to resort to force want a situation to be brought under the control of the United Nations?

The representative of India says that Pakistan is Working for a breach of the peace. The peace plan for Kashmir, as embodied in the resolutions of the United Nations Commission for India and Pakistan, is not a breach of the peace. Is our consistent adherence to these resolutions a preparation for the breach of the peace? What prevents final and definite settlement on the Kashmir problem? Our attitude or India's attitude? We ask for an impartial investigation of the situation in Kashmir. Is that a threat? We ask for negotiations which should be sincere and constructive and meaningful, and that attempts be made to bring about that negotiation. Is that a threat? We ask for mediation with such precise terms of reference as will give an impetus to negotiations and make them coherent and peaceful. Are we then threatening a breach of the peace? We declare ourselves as willing to submit certain points of difference to arbitration. Are we then working for a breach of the peace? We ask that the resources of the United Nations should not be left untapped for the resolution of the problem; we urge that its precedures be not rejected. Is that a threat of war from us? India prevents investigation; India impedes negotiations; India blocks mediation; India rejects arbitration; and, to crown it all, the Indian representative says that any assistance given by the United Nations or its high personality, in the settlement of this dispute is intervention by a third party. The methods of peaceful settlement embedded in the United Nations system and prescribed by the Charter are the only alternatives to war. India blocks these alternatives. Is it not then provoking war?

It was an Indian representative who, speaking in a different context, once charged that a certain foreign Power had—and I quote: "consistently violated international law and the United Nations Charter which forced India to take action by barring all other avenues". Is that not precisely what India is doing in the Kashmir dispute? Is it not "barring all other avenues" by rejecting every one of the methods of the pacific settlement of disputes? India protests even against the

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Security Council exercising its persuasive powers for the resolution of this dispute. What consequence would naturally follow from this attitude? It is one of our basic difficulties with India that India adopts a certain attitude and takes certain actions of which the consequences can be easily foreseen, but then it blames those consequences on others.

Of course, the Education Minister of India made the generous offer, towards the end of his speech, that India will find it possible to discuss with Pakistan our outstanding differences when a better atmosphere is established.

Here again, we are confronted with the basic malady in the relationship between India and Pakistan. India demands a better atmosphere, but blocks every move and every step that would bring about that better atmosphere. The question disturbs us and it should concern the Security Council. What does India mean by a better atmosphere? Does it not take two to establish a better atmosphere? Does it not require a sincere and constructive effort for the settlement of disputes? Does it not necessitate a recourse to the methods laid down in the Charter for the purpose? If not, are we supposed to undergo a catharsis which will qualify us for meaningful negotiations with India? And is this atmosphere a matter of subjective judgement by India?

By making a better atmosphere the condition for talks, when it can be only their result, India does something for worse than putting the cart before the horse: it is making it impossible for the two countries to make even a beginning towards the settlement of the dispute.

It has been our experience during the last seventeen years, that, no matter how hard we try to establish an atmosphere of moderation between India and Pakistan, our attempts are undone by the lack of any progress towards the settlement of the dispute between Jammu and Kashmir. This happened in 1950; it happened in 1953 and 1954; it happened in 1956, and it was what made the sustained endeavour of our President from 1958 to 1961 to place the relationship of India and Pakistan on a neighbourly basis a wholly one-sided effort by Pakistan. Now

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that the situation in Jammu and Kashmir is coming to a head, it would be fatuous to expect, and sheer hypocrisy to promise, a better atmosphere unless the dispute is moved rapidly towards a peaceful and honourable settlement.

Members of the Security Council will recall that, on numerous occasions, India's representatives have taken the line that Pakistan has no *locus standi* in the problem of deciding Kashmir's future. Now, the Indian representative informs us that, on this problem, Kashmir has no *locus standi* either, for he has taken the line that a leader of the people of Kashmir should have nothing to say on the problem.

It is to be borne in mind in this context that when India argues that the integration of Kashmir with the Indian Union is India's internal constitutional matter, it is saying in effect that, in this matter, the Security Council has no *locus standi*. So India robs us all of our *locus standi*. There exists an international agreement regarding the disposition of the State of Jammu and Kashmir. According to India, neither Pakistan, the other party to the agreement, nor Kashmir, the party that is most affected by the agreement, nor the Security Council, the organ under whose authority the agreement was concluded, has any *locus standi*. Only India has a *locus standi* in Kashmir. Could any country be more determined against a settlement of the dispute by peaceful means ?

In regard to the opinions of Sheikh Abdullah on the central issue of the Kashmir dispute—namely, self-determination, accession, plebiscite, passage of time, integration and negotiations for a peaceful settlement, which I quoted in my statement to the Security Council on 5 May 1964 [1112th meeting]—the representative of India tells us that these opinions are not admissible evidence and that only what the Kashmiri leader stated between 1947 and 1949 has any value as evidence.

I am aware that the representative of India has long experience of the application of the Indian Evidence Act, but may. I remind him that he and I are not engaged in proceedings in a court of law in either his country or mine. We are discussing Kashmir and the implementation of the right of

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self-determination of the people of Jammu and Kashmir in the forum of the Security Council. This is their inalienable human and political right, to be exercised as an act of their free and collective will.

As the representative of India is so wedded to rules of evidence and the Indian Evidence Act, may I remind him that the statements of Sheikh Abdullah before the Security Council in 1948 and 1949, as well as those which he made in 1952, were no part of the transaction of the so-called accession. Therefore, those statements are not admissible under the strict rules of the Evidence Act which he has applied in the Indian courts for so long. On the other hand, if the statements made by Sheikh Abdullah long after the accession, in 1948, 1949 and 1952, quoted by the representative of India, are relevant, then his most recent statements which I quote on 5 May 1964 are even more relevant to the present situation in Jammu and Kashmir which is the subject of this series of Security Council meetings.

If the representative of India considers that the rules of evidence should be applied strictly in this international forum, if he were presiding as a judge in the Security Council instead of you, Mr. President, why does he not agree to let Sheikh Abdullah appear to testify before the Council as to what exactly are his views on the central issue of the Kashmir dispute? I request the Council again to invite Sheikh Abdullah to appear before it and hear from him directly what he has to say.

In my statement on 5 May 1964 I quoted extensively from Sheikh Abdullah's recent statements and summarized the affirmations contained in them. The point of my quoting these affirmations was that they have been massively acclaimed by the people of Kashmir. It is the acceptance and acclamation of these statements by the people of Jammu and Kashmir, as much as their content, that furnishes a true indication of the situation existing in Jammu and Kashmir today. In fact, these statements are the most faithful reflection we have of that situation and, therefore, they are an essential part of the record before the Security Council. Unable to face them,

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Minister of Education of India has attempted to negate their effects by two arguments. The first is that "the opinions of any person, however distinguished eminent, cannot alter or affect the question of the status of a territory" [1113th meeting, para. 18]. The second rests on Sheikh Abdullah's previous statements made from 1947 to 1952. I shall deal with both these arguments.

As regards the first argument, it is evidently not applicable here. The affirmations made by Sheikh Abdullah are important because, far from being the voice of one individual, they echo the unanimous demand of the five million people of Jammu and Kashmir. Moreover, these affirmations are made by the person who was cited by India itself as having supported the Maharajah's accession to India. The records of the Security Council will bear out that, in India's original representation to the Security Council made on 1 January 1948, Sheikh Abdullah was specifically mentioned as the leader who appealed for help to India. Surely then, Sheikh Abdullah should be able to throw a good deal of light on the terms and assumptions of this appeal. Indeed, even in the statement of the Indian representative on 7 May 1964 there is again a recognition of Sheikh Abdullah's status. The Indian representative has said that the accession was "accompanied. . . by the consent of the people expressed through Sheikh Abdullah who was the leader of the largest party in Kashmir" (1113th meeting, para. 31). Surely, then, it is important to get a description of the nature of this consent from the person who is supposed to have expressed it.

As regards Sheikh Abdullah's previous statements made from 1947 to 1952, I am glad that the Indian Minister of Education brought them on record again. A juxtaposition of these statements with those that Sheikh Abdullah has made since and those which he is making now only helps one to realize how cruel must have been the disillusionment, how sharp the sense of betrayal, which Sheikh Abdullah suffered because of India's continued occupation of Jammu and Kashmir in breach of its commitments. Far from weakening Sheikh Abdullah's current stand, his previous statements

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reinforce it by demonstrating that this stand is not based on any prejudice or any preconceived notions, but is the result of experience.

During his statement, the representative of India quoted Sheikh Abdullah's statement of 17 April 1964, and, even in that statement, there occurs a sentence : "It is the Government of India which I feel has gone back from its commitments . . ." (1113th meeting, para. 34). This is Sheikh Abdullah's statement of 17 April 1964 being quoted by the Indian Minister. The Education Minister read the sentence and added : "that is another matter". The point here is, and Sheikh Abdullah would be the first to make it, that this is not another matter. It is the very heart and core of the Kashmir issue that India has gone back on its commitments.

Apart from this, there is another aspect of Sheikh Abdullah's' statements which needs to be borne in mind. It has been brought out by Sheikh Abdullah himself. According to the *Indian Express*, Bombay of 4 May 1964, Sheikh Abdullah was asked whether it was not a fact that he had been responsible for the Maharajah's accession to India. The question, in fact, was how he could square his statements then with his statements now. His answer was :

> "Yes, I supported accession to India before 1953. But it is not bringing peace to the sub-continent. When it did not bring peace to the sub-continent, what value did it have ?"

The representative of India also tried to take comfort from a recent statement of Sheikh Abdullah that a plebiscite was not the only method for ascertaining the wishes of the people of Jammu and Kasmir. But, unfortunately for the Indian representative, this statement has now been clarified by Sheikh Abdullah and, as explained by him, it does not lend the slightest support to India's argument against a plebiscite. According to the *Hindustan Times* of 7 May 1964, Sheikh Abdullah said that elections could be a solution of the dispute, if they were fair and free and organized by a

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neutral third party so that nobody could point a finger at India. He added that India, being an interested party, should not be in Kashmir if and when elections were held and that the result of these elections must be acceptable to Pakistan : otherwise no purpose would be served. He further said that there should be a disengagement of the forces of India and Pakistan preceding these elections; other-wise the present tension would continue.

I believe that this statement of Sheikh Abdullah should invite some reflection on the part of the Indian representative. Sheikh Abdullah lays down the following conditions for elections being a solution of the problem : first, they must be free and fair; secondly, they must be organized by a neutral third party; thirdly, Indian forces should withdraw from Jammu and Kashmir to enable those elections to be impartial; fourthly, their result must be acceptable to Pakistan and fifthly must be preceded by the disengagemend of the forces of India and Pakistan in Jammu and Kashmir. What is this for mula except a restatement of the principles of the resolutions of the United Nations Commission for India and Pakistan ? These provide that a plebiscite should be preceded by the withdrawal of the forces of India and Pakistan from Jammu and Kashmir and should be held under the direction and control of the United Nations to ensure its fairness, freedom and impartiality. The condition cannot be avoided that a settlement must be based on the wishes of the people which are impartially ascertained and are visibly so ascertained.

I must recall here that, in my statement of 17 March 1964 [1104th meeting] I said that if one were to consider the Kashmir problem as it has arisen now, not in 1948, but today, and would embark on a search, however pragmatic, for an equitable settlement, one would be driven to the conclusion that there is only one way—the way of finding out what the people of Jammu and Kashmir themselves want. I added that one would thus be driven to write again the substance of the resolutions. Sheikh Abdullah's statement about what conditions are essential for ascertaining the wishes of the people brings out the truth of my submission.

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The representative of India tried to make much of the argument that Sheikh Abdbllah's release establishes that there is democracy and freedom in India and that the Government of India is perfectly confident that the situation is normal in the State of Jammu and Kashmir. This argument had been anticipated by numerous statements made by the spokesmen of the Government of India. All of them expressed the hope that the release of Sheikh Abdullah would wash India of all the taint that it has borne for eleven years and would help its case in the Security Council.

Unfortunately, however, these statements only serve to strengthen the conclusion that—as I said in my last statement—this act of releasing Sheikh Abdullah was not a gesture of magnanimity on India's part. They corroborate the comment in *The Economist* of London, of 4 April 1964—which I then quoted—that the Indian Government has not had a sudden rush of liberalism to the head. There is no change of heart on the part of India and that there is no ground for the members of the Security Council to feel that, by releasing Sheikh Abdullah, India might have made a gesture towards reconciliation wi'h Pakistan and towards the resolution of the conflict in Jammu and Kashmir.

The Indian representative demonstrates before us that this act is purely a manoeuvre—the Prime Minister of India has called it a "calculated risk"—to prove normality where none exists. It is obvious that their hope, at the time of releasing Sheikh Abdullah was that he would "blow off steam" and then subside, and the situation in Jammu and Kashmir would thus simmer down. This hope is already being falsified by events. I referred to certain developments in Kashmir in my last statement. The Indian representative has vehemently denied by statement that a curfew was imposed last week in several towns in Jammu and Kashmir. Let me assure him that my statement was based on information obtained, not from our sources but from the Indian newspapers. According to *The Statement* of Delhi of 9 May 1964, there were demonstrations in Srinagar on last Friday, shouting, "Hold a plebiscite immediately".

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The Indian representative argues, "Well, there are demonstrations, so what?" The answer is that these demonstrations do not signify merely a dissatisfaction with this or that policy of the Indian Government; they are not in protest against this or that administration. They signify rebellion against India's occupation of the State. The Indian representative reminds us that demonstrations take place in all democratic countries. But he evidently shies away from the fact that there is a basic difference between normal demonstrations in democratic countries and those that are taking place in Jammu and Kashmir. If demonstrations are the expression of a specific grievance, or if they protest against a specific policy, they are normal demonstrations. But when they are held by the people of a territory the status of which is in dispute, to reject an annexation forced on them and to demand that they be enabled immediately to decide their status by a plebiscite, what are they then except a revolt ?

Actually, the unspoken point in the Indian argument is that the revolt in Jammu and Kashmir is unarmed and that, if it goes on, India has an overwhelming military might in Jammu and Kashmir to suppress it. That is the root of the confidence that the Indian representative expresses here. But what does this point do except bring out the explosive nature of the present situation. When, in reality India relies on her military might, India compels all those who sympathize with the revolt of the people of Jammu and Kashmir to conclude that nothing is so urgently desirable as effective resistance against the forces of suppression in Jammu and Kashmir.

In countering my statements about the revolt in Kashmir the Indian representative supported his argument by the observation that there is complete intercommunal unity in Jammu and Kashmir. This is an astonishing reply. That the Indian representative should rely on this argument shows to what straits he has been driven in points of logic. If Hindus and Moslems live at peace with each other in Jammu and Kashmir—we are proud and gratified that they do—does it mean that they do not resent India's occupation of the State ? What has intercommunal unity to do with the demand of the

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people of Kashmir that they be enabled to decide their future for themselves ?

Apart from this, it is obvious that it is not the ventilation of the people's demand in Kashmir, but its fulfilment alone that can bring about normality. Apart from suppressing the people by force for many years, the Indian Government has been driven to the point where it feels that force is not enough. The present situation is merely that it is resorting to other means to frustrate the people's demand. It is not doing anything to meet this demand. So long as it does not do so, the protestations of freedom and democracy are not only baseless but, in the face of the combined voice of the people of Jammu and Kashmir, utterly irrelevant.

The Indian representative harps on the differences of outlook between India and Pakistan. Let me tell him that he does not enhance his country's reputation by these assertions. We in Pakistan have our faults, and I suppose that, in the final analysis, they can be overcome only by greater education, enlightment and economic advance. But whatever they are, they are open, perhaps even b atant, and therefore eradicable.

That Indian representative's statement is a demonstration of the fact that there is something in the Indian mentality which is insiduous and therefore impenetrable. It is a mentality so wrapped in national conceit, so enfolded in a holier-than-thou attitude, that it is small wonder that we in Pakistan sometimes succumb to despair about the future of our relations with our neighbour. They know that fanaticism is stalking their land; they know that their democracy so far is not more than a facade because it is not yet based on the habits of tolerance, yet they come here treating us to sermons about the loftiness of their society and of their souls.

We do not claim Kashmir on the ground that we are a better society. The United Nations is not here to award Kashmir as a prize for better performance either to India or to Pakistan. We say that, whatever we are and whatever the Indians are, ask the Kashmiris whom they want to join. Let India marshal all its arguments against Kashmir's accession to Pakistan, but let these arguments be addressed to the people

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of Jammu and Kashmir at the time of plebiscite, and let them decide. If India believed in democracy, it would have long ago accepted this challenge.

Members of the Security Council will have noticed how the Indian Minister for Education has reacted to the peace appeal that I made at the conclusion of my remarks on 5 May 1964 [1112th meeting]. When I pleaded with India that an end must come to our bitterness; that there is a time for struggle and a time for settlement, I meant every word of what I said. The Indian representative spurned and even ridiculed my appeal, but I must inform him that he has not provoked me into withdrawing it. I again transmit the message of my people to the people of India that it is within our power to transform the climate of our two countries, not by waving a magic wand, but by recourse to those concrete procedures which alone can rationally bring about the resolution of international conflicts.

We do not make it a condition for the settlement of our disputes that India must get rid of its caste system, we do not make it a condition that India should abandon its mythology, renounce its whole philosophy and reorientate its entire culture. We take India as it is and its outlook and aspirations as they stand, and we seek a *modus vivendi* with it which, once established, might develop into a normal relationship.

We may be theocratic or mediaeval or backward, but we offer India those ways and means of establishing operational relationship between our two countries which are eminently secular and modern. What credit can be given to protestations of secularism and modernity if one is impervious to the counsels of mediation and conciliation and arbitration—all modern and secular ways of regulating international life? Let the Indian representative ponder this question and not be too preoccupied with the thought that I am putting it to him.

200. *Text of the speech made by Mr. Chagla (India) in the Security Council meeting No. 1115 held on 12 May 1964.*

When I joined the Bar and started practising more than forty years ago, I was given one important piece of advice,

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that if I had a bad case I should abuse my opponent as virulently as possible. I do not know what other qualifications of an advocate the Foreign Minister of Pakistan possesses, but he has certainly taken this particular advice to heart and has perfected it by practice. Half the speech of the representative of Pakistan was devoted to invective and abuse. I shall ignore it, more than a quarter of the speech was devoted to asking obetorical questions, which the Pakistan Foreign Minister answered himself to his own complete satisfaction. Therefore, there is very little of substance in the speech which I have to answer. I shall try to avoid repeating what I have said in my earlier statements before the Council. I reiterate and stand by every statement I have made on behalf of my Government in my earlier statements in the course of this debate.

I feel more and more that these debates on Kashmir are only exercises in futility. They lead nowhere and come to no conclusions. We have taken the stand from the very start that this meeting was both unnecessary and extremely untimely. When the two Ministers for Home Affairs of India and Pakistan are busy carrying on talks for the restoration of communal harmony, I have no doubt that the debate here, far from helping them, will only make their task more difficult and aggravate the situation prevailing in the two countries. Let me repeat that the Kashmir question, as indeed all the other outstanding differences between the two countries, can only be solved by bilateral talks between us and by the creation of an atmosphere conducive to such a settlement. The representative of Pakistan has made a charge that it is we who have made it impossible to create such an atmosphere. Facts speak differently. Our President made an appeal to the President of Pakistan and our Prime Minister from his sick bed made a similar appeal. Both the appeals were turned down with scant courtesy and even the talks now going on between the two Home Ministers were at the initiative of our Prime Minister.

The representative of Pakistan insisted on coming to this Council on flimsy charges to reopen the Kashmir question and, even after full and complete statements made by both sides,

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insisted on resuming the debate which is now going on. Lest memories be short, let me remind the members of the Council that it was our Prime Minister who appealed to President Ayub to issue a "no war" declaration, which would emphasize the peaceful intentions of both the countries. The offer was rejected.

The Pakistan representative has made an appeal to my people to transform the climate of our two countries. I have no doubt in my own mind that the peoples of Pakistan and India have no quarrels and they want to live in peace and amity. After all only seventeen years ago the people of Pakistan were also the people of India. Ethnically and culturally they are the same. Millions in my country speak the languages which are the official languages of Pakistan. The history of Pakistan does not commence from 1947. It goes back thousands of years as does the history of India. The people of Pakistan have as much right as the people of India to take pride on the great civilization that India has developed. The Taj Mahal, Qutab Minar, Fatehpur Sikri, Ellora and Ajanta are the great monuments of India's greatness to which people of Pakistan can equally lay claim. When Mr. Habibullah, Home Minister of Pakistan, came to India, he often talked of the old days when he had fought under Mahatma Gandhi and Khan Abdul Ghaffar Khan, another great fighter for independence in the old days. The trouble with the Foreign Minister of Pakistan, that he is too young either no have participated in the struggle for freedom or even to remember it.

It will be noticed that in the long statement that the representative of Pakistan made he has perfunctorily and summarily dealt with the central issue which had raised in my statement, namely the aggression of Pakistan which continues till today. Am I right in assuming that Pakistan has no answer to the charge? It is futile for the representative of Pakistan to talk of the principles of the Charter and of a scrupulous discharge of interaational commitments when his country has flagrantly violated the Charter and has perpetrated aggression upon another country in which she persists till today.

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It is equally obvious that Pakistan has failed to discharge her international commitments by not complying with the directives given by this Council to Pakistan to withdraw her troops from two-fifths of Kashmir which she, even today, illegally occupies. Pakistan has failed to realize that the significance of her treaty with China, by which she gave 2,000 square miles of Kashmir, is not its territorial aspect nor the arithmetical calculation' by which we are told that Pakistan made a net gain, but the fact that Pakistan has no common frontier with China and in negotiating with her she was negotiating with regard to a territory to which internationally she has no claim and which is a part of India. In claiming an accretion of 750 square miles to Pakistan territory, Pakistan stands self-condemned of aggression, because in no view of the case is this territory part of Pakistan. I would like to know how Kashmir can express her self-determination when part of it has been given away to China. It is not correct to say that the treaty is provisional. As far as Pakistan is concerned, she is bound because the Treaty provides that if Kashmir comes to Pakistan, Pakistan is committed to the agreement which she has made with China.

The argument I advanced with regard to China's agression against India is not irrelevant to the Kashmir issue as suggested by the representative of Pakistan. On the contrary, it is its most important aspect. It is no use saying that a look at the map of India discloses that there are other routes through which China can march into India. The patent fact remains that China attacked India through Ladakh, that she can do so again if she was so minded and that China today is in unlawful possession of a large part of Indian territory which can only be recovered is Kashmir remains a part of India and provides facilities for resistance to Chinese, aggression.

It is ridiculous to suggest that this is a colonial or imperial argument and that we are subordinating the rights of the Kashmiri people to the needs of our defence. Through

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the centuries Kashmir has always been a part of India. The United Kingdom ruled both British India and the princely States, although with varying degrees of authority. Therefore, when India speaks of Kashmir being vital to her defence, she is not referring to a foreign country or trying to subject people of a different race or nationality in order to subserve her own requirements. In 1947 the only question that arose was whether Kashmir should secede to India or to Pakistan. There was no question of either India or Pakistan acquiring a colony. It is an insult to the people of Kashmir even to suggest that her relationship to India is that a colonial people to an imperial power. Kashmir decided legally and constitutionally to secede to India rather than to Pakistan. That was the end of the controversy. The controversy now is whether a part of India could be permitted to cede from her. It is in this connexion that the argument I advanced about the importance of Kashmir to India assumes significance. Let me point out that President Ayub Khan himself has spoken of Kashmir being vital to Pakistan's defence. In saying this is President Ayub looking upon Kashmir as a colony or her people as belonging to different race?

The Pakistan representative has insinuated that I have made an attack on Islam and the principles of Islam and that we in India resent the fact that the people of Pakistan practise that religion. This insinuation is totally baseless. In my own country, 50 million people practise Islam freely and without any opposition. I am conscious of the great principles for which that religion stands: social equality, human dignity, tolerance and the value that every individual soul has in the eye of God. Our objection is not to the fact that the people of Pakistan are Muslims. Our objection is that the policy of the Government of Pakistan is entirely un-Islamic. There are many Muslim countries in the world which have non-Muslims living in them. The non-Muslims look upon themselves as citizens with loyalty to that country just as much as the Muslims do. There is complete communal harmony in those countries and the non-Muslim religions are respected and receive complete toleration. Pakistan of late has been

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sending many delegations to different countries in the world. It would be worth while to send a delegation to these Muslim countries to find out how the principles of Islam are applied in the governance of these countries. Hatred of India, persecution of her minorities, the perpetual cry of a holy war against my country, are not precepts which Islam proclaims. It is not I, but Sheikh Abdullah, who stated, as I pointed out on the last occasion, that the Pakistanis claiming to be the protectors of Islam had killed and looted, desecrated the Koran and converted mosques into brothels.

The representative of Pakistan has charged India with pursuing a Machiavellian policy in adhering to the principles of non-alignment India was perhaps the first important country which declared its faith in non-alignment. Non-alignment means refusal to enter into military pacts or alliances to belong or to any power bloc. It also means maintaining friendly relations with all countries. You will remember that Mr. John Foster Dulles, the Secretary of State of the United States, once called non-alignment an immoral policy. In our adherence to that principle, we withstood without flinching many violent attacks from the Western Powers, and today these very Powers realize that non-alignment is the only correct policy for the newly emerging countries to adopt. The United State played an important part in making Laos non-aligned France, with a sense of Gallic logic and realism, has now come to the conclusion that the only way to have peace in South East Asia is to remove it from the ambit of the cold war.

What has happened is that China, with which we were on friendly terms, suddenly and treacherously attacked us. Did we give up our policy of non-alignment? We certainly did not. It is to the credit of the Western Powers that they gave us military assistance because they realized that our cause was just and we were victims of a naked aggression. In obtaining this assistance from them, we entered into no military pact with them. But we did not receive assistance merely from the Western Powers. The USSR, making it clear that the border dispute between India and China should have been

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settled by peaceful means, and not by war—which China had unjustifiably waged against India—also gave up assistance. It was only Pakistan, our dear neighbour which not only did not come to our assistance but did its utmort to prevent the Western Powers from coming to our rescue. It did more. It carried on a violent propaganda in the chancelleries of the world against India and justified the Chinese attack on our country.

The representative of Pakistan has made a slanderous attack on the Colombo Powers. He has suggested that, while we are maintaining a warlike attitude against China, we are simultaneously carrying on negotiations for a peaceful settlement by proxy—I am using his expression—through the Colombo Powers. This suggests that the Colombo Powers are our agents and our tools. The Colombo Powers—the United Arab Republic, Ceylon, Burma, Cambodia, Ghana and Indonesia—are important, respected and independent countries. They, on their own initiative, intervened and wanted to bring about a peaceful settlement between India and China. For that purpose they put forward certain propsals. India accepted them without qualification or reservation. China refused to do so, and it is because of this that China and India have not been able to come to the negotiating table in order to settle their dispute.

The Foreign Minister of Pakistan has charged India with a policy which is intended to annihilate or expel the 50 million Muslims living in India, and for this purpose he has quoted extensively from a speech of Mr. Frank Anthony and a statement of Mr. Jayaprakash Narayan. We do not deny the disgraceful incidents which took place in India, in which atrocities were committed against the Muslim minorities, but let me set the record straight on this point.

In the first place, these atrocities were localized and were largely the result of the fact that the feelings of the majority community were influened by the refugees coming over from East Pakistan with harrowing tales of what they and their families had suffered.

In the secound place, communal disturbances in these

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parts were put down with a heavy hand both by the State authorities and by the firm intervention of the Government of India.

In the third place, we have emphatically denounced these atrocities and expressed our shame that such things should happen in a secular country like India. The religious apartheid of which Pakistan is guilty consists of treating Muslims as a separate—and privileged—class from others. Pakistan's origin is indeed traceable to religious apartheid, the manifestation of which is a two-nation theory—that is, that Muslims and others are separate nations, a theory we entirely reject and repudiate. The same concept governs Pakistan's internal policy today.

The 50 million Muslims of India have not appointed the Pakistan Foreign Minister as their representative or advocate to plead their cause here. On the contrary, they have denounced Pakistan's stand here, have expressed complete confidence in the Government of India, have emphasized the importance to secularism of Kashmir's remaining an integral part of India and their complete faith in the Government's safeguarding their religion and their rights as citizens. The Pakistan representative will perhaps be interested to learn that even the Muslim League, which was the most communal organization in India and which was really responsible for partition, has supported India's stand on Kashmir.

In the fourth place, I should like to emphasize one important aspect of the communal policy in my country and Pakistan. The position would be made clear if I drew an analogy between the United States of America and South Africa. We all know that there is racial discrimination in the United States, but we also know that the official policy of the Government of the United States is against such a policy and the American administration is doing its best to remove this blot from the record it has established through its Constitution and the principles of its revolution equality before the law and respect for human dignity. On the other hand, the official policy of South Africa is to support and strengthen racial apartheid. We have communal troubles and distur-

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bances in our country, but our official policy, which we pursue with unflinching tenacity, is secularism and communal harmony. Pakistan's official policy, on the other hand, as witnessed by statements made by its responsible leaders and its press, to which I made reference in my previous statements, is open hostility to the minorities residing within its territories.

With regard to the Anglo-Indian community and what Mr. Anthony said, I have before me a large number of statements made by Anglo-Indians and Anglo-Indian associations totally repudiating the stand taken by him.

The Foreign Ministar of Pakistan has stated that we are responsible for the large migration of minorities from East Pakistan into India. In a dispatch that appeared in *The New York Times* on 10 May 1964 from Calcutta, the figure given of the refugees that have crossed over into India so far is 312,000 and about 10,000 had got through on 6 May 1964 in the largest weve so far. It is ridiculous to suggest that we are luring these refugees to our country. Dose this Council realize what these figures mean in terms of human suffering and misery? These peoples are leaving their homes and hearths and leaving a country in which their forefathers lived for centuries in order to go out to a foreign land, to an uncertain future. We do not want these refugees. We realize that their proper place is in Pakistan. We also realize that their advent will disrupt our economy. But what are we to do? Compassion demands that we should not refuse shelter to people who are fleeing from persecution and a sense of insecurity.

I am not going into the figures of the Indian Muslims who might have left India. I dare say when communal trouble took place in India some Muslims must have left because of fear and a sense of insecurity. But the unchallenged fact remains that after communal harmony was restored in India and the troubles put down, there has been no movement of Muslims from India into Pakistan. The movement is all the other way, and this is borne out not merely by Indian but by impartial foreign testimony. With regard to the figures given by the representative of Pakistan of Muslims who left India in the course of two years, these are not Indian nationals.

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After due legal process they have been found to be not the nationals of India but the nationals of Pakistan who have infiltrated into our country. They have been evicted and in doing so we have exercised the right of sovereignty that every country possesses of sending out of its country infiltrators who do not acquire citizenship of the country, and even here the numbers cited by the Foreign Minister of Pakistan are grossly exaggerated.

The representative of Pakistan has given a lame explanation about its attitude towards the African-Asian countries and colonialism. It is completely false to say that we have done any business with South Africa. In the document dated 5 March 1964, referred to by the Foreign Minister of Pakistan, there are figures given of exports by India to South Africa. The fact of the matter is that products of Indian origin might have gone to South Africa from third countries. I repeat that there is and has been no trade between India and South Africa. We were the first to cut off diplomatic and commercial relations with that country. Suez was a turning point in the history of colonialism. Pakistan's representative did not say a word about the role played by his country on that question, nor has he said anything about Pakistan's continuing relations with Portugal. I sympathize with the Foreign Minister of Pakistan. It is so difficult to be at the same time anticolonial and a distinguished member of SEATO and CENTO.

The representative of Pakistan has expressed indignation at my comparing Pakistan to a burglar who has entered the property of another person, squats in the ante-room and challenges the rightful owner to prove his title, and with a great show of injured innocence the representative has attempted to make the point that we are not dealing with the law of real property and that Kashmir is not a piece of property which has got to be disposed of in that way. But what about the two-fifths of Kashmir that is in the possession of Pakistan? Is it part of Pakistan property? Or does Pakistan just hold on to it, as the imperial Powers of old did with territories they seized in war as a part of their booty ?

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Let me refer to two points in brief. One is about Nagaland. The representative of Pakistan should have told the members of the Security Council that we have conferred upon Nagaland the status of a Constituent State of the Indian Union, and the people of Nagaland have accepted this status and have held free elections recently to establish a State Legislature in that part of the country. The other point is with regard to what happened at Djakarta. Pakistan opposed the invitation to the USSR to the African-Asian Conference on the ground that it was not an Asian power and compared it to Albania. It forgot that two-thirds of the USSR is in Asia and that 40 per cent of the people of the USSR live on the Asian Continent.

The Foreign Minister of Pakistan has again raised the question of Sheikh Abdullah being called before the Security Council. I have already pointed out in my last statement how untenable his contention is. Sheikh Abdullah occupies no official position in Kashmir, and it would be a most dangerous precedent for this Council to lay down that any citizen in a country who holds a dissident opinion or belongs to an opposition party should have the right of audience here. In Kashmir itself there are various parties. If Sheikh Abdullah is to be called, then representatives of all these parties should also be called. And why not the representatives of 50 million Muslims in India who have a vital stake in the future of Kashmir? The representative of Pakistan says that the whole of Kashmir is behind Sheikh Abdullah. Where does he get this fact? Is this his inference from the demonstrations held in favour of Sheikh Abdullah? Has he obtained the figures of the number of people who took part in these demonstrations? Is he satisfied that the only demonstrations that take place in Kashmir are in favour of Sheikh Abdullah? I have just received a telegram from Delhi which is very pertinent:

> "High tributes were paid to the leader of the Indian delegation, Mr. Chagla, for his able handling of the Kashmir case in the Security Council at public rallies held in all the three districts of Kashmir on 10 May",

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reports the Press Trust of India from Srinagar. I am very grateful for this tribute to me. I am sorry I have to read it out. I should be a little more modest, but I am reading out the telegram as I have received it.

Addressing a rally at Dyalgam in Anantnag district, this is again in the valley of Kashmir, Syed Hussain, a member of the Legislative Council of Kashmir and Mufti Mohammed Syeed, another member of the Assembly, said Chagla had very ably advocated "our case Against Pakistan's aggression. Chagla has voiced the feelings of the people of the entire country, especially the Kashmiris".

Ghulam Mohammed Lasjan, a former member of the Legislature Assembly and Abdul Rehman Rahat, Vice-President of the District National Conference, Srinagar, addressing another public rally at Mharmar, south of Srinagar, said that the people of the State were determined to march forward on the path of progress as an integral part of India. Any attempt to disturb the peace and stability in the State would be resisted.

Another rally was held at Vabura in the Baramulla district; this is very near Srinagar. Speakers at the rally suported new Government policies—that is, the Government of Mr. Sadiq—and pledged support to the Government of India and the State Government.

Patriot's correspondent adds from Sridagar :

"Rallies, mostly peasant gatherings, confirmed the fact that the health of Kashmir was sound despite the secessionists' cry to reopen the Kashmir issue and undo the settled condition in Kashmir.

"Inspiring to watch was a ten thousand-strong rally held at Manmar forty miles away from Srinagar in the Kangan valley, where nomadic Gujjars travelling from far-off distances assembled to reiterate their resolve to defend the integrity and to extend their support to the policies of the new Government."

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So the demonstrations that are held in Kashmir, may I inform the Foreign Minister, are not all in support of Sheikh Abdullah; there are equally important demonstrations which are being held in support of the present Government of Kashmir headed by Mr. Sadiq, and also the party which wants Kashmir to remain an integral part of India.

Now, if I may continue with this question :

"Speakers at the rally included Bashir Ahmed, a popular Gujjar leader, Ghulam Mohammed Lasjan, a former member of the Legislative Assembly, and Abdul Rehman Rahat, veteran peasant leader from Badgan and Vice-President of the District National Conference, Srinagar.

"Thunderous cheers greeted Bashir Ahmed when he said that it was only because of India's generous help that Gujjars, ignored for centuries in the State, were advancing on a par with other sections of the society.

"If anything threatened this advance it was the contiuing Pakistani aggression on the State's territory, and Chagla, by exposing Pakistani perfidy, had ably voiced Kashmir's sentiments.

"Both Lasjan and Abdul Rehman Rahat pinpointed the role of Western countries in keeping the so-called Kashmir issue alive. Rahat said that ever since Kashmir's freedom struggle started, imperialists had been particularly active to defeat its objectives. They had failed in the past and they would be defeated this time too because the entire country stood behind Kashmir, he said".

My Government, therefore, is emphatically opposed to an invitation being extended to Sheikh Abdullah to appear before this Council.

The Foreign Minister of Pakistan has referred to the gallant deeds of Muslims in East Pakistan in giving protection to members of the minority community. These gallant deeds

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are not continued to East Pakistan. Similar gallant deeds were performed by Hindus in West Bengal. All honour to those who risk their lives in protecting those belonging to other faiths. This emphasizes what I said earlier in my statement, that the peoples of the two countries have no quarrel, that they may be swayed by passions but at heart they want to be friendly and are not oblivious to the bonds that still bind them.

Let me, therefore, end on this note : that we treat the Kashmir problem as a human problem as much as a legal or political one. The question with which we should be concerned is what solution will lead to the peace and happiness of the people of Kashmir, and maintain inter-communal unity, not only in that part of India, but in the rest of the country. I wish to state with all the confidence and emphasis I possess that any disturbance of the status of Kashmir, which has already been settled, will result in serious troubles, not only in Kashmir itself, but in the whole sub-continent of India.

In the Council is interested in the maintenance of peace and international relations, it should avoid any solution superimposed upon the two countries or intervention in any talks or discussions we might have with each other.

The Kashmir question will not be solved by interminable discussions and debates in the Council. It will be solved only when Pakistan realizes that Kashmir is not a political shuttlecock in the game of anti-Indian policies which she has for the time being adopted. The Kashmir question will be solved when Pakistan realizes that India wishes her well and has no designs on her independence and that, in the prosperity of the two countries, lies the prosperity of the whole sub-continent. In this prosperity the people of Kashmir must have a share as an integral part of India.

India has always stood, and stands, for a just solution, a peaceful solution, an early solution to the Kashmir question. It is Pakistan which has blocked the way to such a solution. There cannot be just solution in international affairs if aggression is either condoned or rewarded. There can be no just solution of the Kashmir question if Pakistan does not vacate

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her aggression and while the Pakistan army still keeps two-fifths of the State of Jammu and Kashmir in her unlawful possession.

201. *Text of the Speech made by Mr. Parthasarthi (India) in the Security Council meeting No. 1237 held on 4 September 1965.*

Mr. President, as one newcomer to another, may I at the outset take this opportunity to convey to you the warmest congratulations of my Government and also my own on your appointment as your country's chief representative to the United Nations. My delegation looks forward to close and friendly collaboration and co-operation with you and the United States delegation. You bring to your present post a record of high and distinguished services to your country and to your people, and my delegation is indeed very happy to see you here. Now, to follow the advice of your very distinguished and famous predecessor, the late Governor Stevenson,- let us get on with the work that lies ahead of us.

First of all, I must express the gratitude of my delegation to you. Mr. President, and to the members of the Council for inviting us to take part in the proceedings of the Council on the serious situation that has arisen as a result of Pakistani aggression on the Indian State of Jammu and Kashmir. This meeting has not been called at our instance, but since it has been called I owe it to the members of the Council to present the related facts to the Council in as brief and concise a manner as possible. It shall be my endeavour to assist the Council in arriving at correct conclusions and taking correct steps, in conformity with the Charter of the United Nations and the generally accepted principles of international law.

As the representatives are aware, the India-Pakistan question, as it euphemistically called, has been on the agenda of the Council for nearly eighteen years. It was in January 1948 that India first brought the question to the Council on the issue of Pakistani aggression on the Indian State of Jammu

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and Kashmir. Incidentally, it may interest the members of the Council to know that it was my father who brought the issue here. Now it has fallen to me to bring to your attention the second massive aggression against Kashmir.

Since 1948, the issue has remained on the agenda without a satisfactory solution. Why has there been no satisfactory solution? It is primarily because the Council refuse to face the simple fact of aggression by Pakistan. It was deliberately sidetracked, confused and befuddled by Pakistan's claims which have no justification in law or even political exigency. Be that as it may, the Council has once again the opportunity to do justice to itself and to India. It is the hope of the 475 million people of India that this time the Council will refuse to be sidetracked, confused or befuddled. As the representatives are aware, after the Pakistani aggression on the Indian State of Jammu and Kashmir in 1947-1948, a cease-fire was arranged between India and Pakistan and it became effective on 1 January 1949. The cease-fire agreement imposed the clear and unambiguous obligation on the two countries to respect the cease-fire line established by the agreement.

What has been the conduct of the two parties in relation to the agreement and the line? The cease-fire agreement did not lead to the vacation of Pakistan's aggression on the Indian State of Jammu and Kashmir. In fact, it allowed Pakistan to remain in occupation of two-fifths of the State. Despite this continuing aggression, the Government of India has always endeavoured to respect the cease-fire agreement. It has spared no efforts to maintain peace and tranquility all along the cease-fire line. It has co-operated with the United Nations Chief Military Observer, accepted every reasonable proposal made by General Nimmo and, what is more, the Government of India itself prepared a gentleman's agreement to ensure respect for the cease-fire line for discussion with Pakistan. What has been Pakistan's attitude towards the cease-fire agreement? I could quote to you innumerable extracts from statements by the leaders of Pakistan, the leaders of the so-called *Azad* Kashmir, which is a euphemism for that part of the State which is under the illegal occupation of Pakistan, and thousands of inflam-

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matory newspapers reports from Pakistan to prove that Pakistan did not wish to respect the sanctity of the line. All this I could quote to you, but I shall not do so at this time *in extenso*. It will suffice to give you a few samples.

Here is an extract from the Pakistani newspaper *Dawn* of 29 August 1961, which states :

> "President Ayub Khan emphasized that the people of Pakistan could not forget Kashmir because the present Cease-Fire Line was a constant source of danger to Pakistan rail, river and road system, and provided innumerable to defence problems."

The same newspaper in its edition of 23 March 1962 had the following :

> "President Ayub Khan, referring to the Cease-Fire Line, said : 'Is it any rational line ? What does it indicate ? It is an outcome of war ? What purpose does it serve ? Does it serve any strategic or economic or other interests' ?"

Mr. Bhutto, the Minister for Foreign Affairs of Pakistan, told a news conference on 19 May 1962 at Dacca :

> "Pakistan now realized that the Kashmir problem would have to be settled by our intrinsic strength, and···the Kashmiris may rise to the same heights as the Algerians."

The *Dawn* of Karachi in its edition of 21 October 1963 had a story under the headline, "Force will be met with force : Habibullah Khan warns India". Mr. Habibullah Khan, then the Home Minister of Pakistan, stated, among other things :

> "Pakistan would give all possible assistance to the *Azad* Government of Jammu and Kashmir to meet Indian aggression against *Azad* territory. The Cease-Fire Agree-

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ment is a truce between the two armies of Pakistan and India and is no bar against the exercise of basic human rights by the people of Kashmir."

The *Morning News* of Dacca in its edition of 23 October 1963 had a story headlined : "Cease-Fire Line not binding on Kashmiris—Agreement was a truce". The newspaper quoted Mr. Khurshid, the erstwhile President of so-called *Azad* Kashmir, as saying :

> "...the Cease-Fire Line in Kashmir was not binding on the people of Kashmir and that his Government did not recognize the Cease-Fire Line of 1949 as a dividing line between *Azad* Kashmir and Indian occupied Kashmir."

Mr. Khurshid went on to say that the freedom fighters in Kashmir State had nothing to do with this Agreement.

In this very Council, on 7 February 1964, the Minister for Foreign Affairs said :

> "For India, the situation is simple. It is in possession of the major part of the State of Jammu and Kashmir and would like nothing better than to be left alone. But we, seeing our kith and kin, our flesh and blood, suffer tyranny and oppression, shall we remain silent spectators ?" [1089th meeting, para. 80].

> "That it is the restraining hand of the Pakistan Government alone which preserves peace in Kashmir—all the charges against us levelled by the Indian representative notwithstanding—is apparent from the repeated demands made by the *Azad* Kashmir Government, and the All Jammu and Kashmir Muslim Conference for the abrogation of the cease-fire agreement. These demands are not lightly made." [*Ibid.*, para. 114].

Not only by their statements but also by their actions, the Government and the leaders of Pakistan have shown scant

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regard for the cease-fire agreement and the cease-fire line. Thousands of violations of the line have been brought to the notice of the United Nations Chief Military Observer, and he has given a sufficient number of awards against Pakistan to establish clearly that that country felt no compunction in violating the line. What is more, on at least three occasions, the Chief Military Observer made some suggestions to the Government of Pakistan for improving conditions on the cease-fire line.

In October 1963, the Chief Military Observer proposed to treat the activities of armed civilians and armed police within 500 yards on either side of the cease-fire line as a breach of the cease-fire agreement. India agreed; Pakistan rejected the suggestion. On 24 June 1964, the Chief Military Observer proposed a meeting between the military representatives of India and Pakistan to work out agreed principles for the control of civilians in the area of the cease-fire line. While India accepted the suggestion, so far Pakistan has not done so. On 8 March 1965, the Chief Military Observer again proposed a meeting between military representative of India and Pakistan in order to work out agreed principles for controlling the activities of the civilians in the area. On 26 March 1965, India agreed to the proposal. On 5 April, India was informed by the Chief Military Observer that a meeting would not be possible, since Pakistan was not agreeable to it.

In 1964, the Government of India itself proposed an official-level conference with Pakistan for the purpose of restoring tranquillity along the cease-fire line and along India's international borders with Pakistan. The Government of Pakistan agreed to India's request for the conference and fixed a date for it. The Indian delegation was ready to leave for Karachi when suddenly Pakistan called off the talks at the last moment.

Over the years, Pakistan has perfected the technique of sending armed troops across the cease-fire line in civilian disguise. These armed civilians were in most cases part of Pakistan's regular or irregular troops. Even the so-called

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Mujahids—the so-called freedom fighters—were formed in June 1965 into a regularly constituted Pakistan Mujahid Force with commanding officers, junior commissioned officers, non-commissioned officers and other ranks. According to the decision of the Government of Pakistan, units were to be raised on the order of the Commander-in-Chief and were normally to serve in districts in which they were raised. For certain legal purposes, they were to be deemed part of the Pakistan Army. So much for the so-called freedom fighters.

Now there is another category of armed troops an Pakistan, which is called the *Azad* Kashmir Reserve Force. That this Force is in no manner seperate from the regular Pakistan Army is proved by the following extracts from the first interim report of the United Nations Commission for India and Pakistan : (*a*) "The Commission was repeatedly informed by you [the Minister for Foreign Affairs of Pakistan] and by the representatives of the Pakistan Army that the *Azad* Kashmir forces were under the over-all control of the Pakistan High Command" (S/1100, para. 108); (*b*) "...his [the Foreign Minister of Pakistan's] reply to a Commission questionnaire that all forces fighting on the *Azad* side were 'under the over-all command and tactical direction of the Pakistan army" [*Ibid.*, para. 127]; (*c*) "In answer to the questionnaire placed by the Commission before the Government of Pakistan on 4 August 1948, the Minister for Foreign Affairs stated that the Pakistan Army is at present responsible for the over-all command...of *Azad* Kashmir forces" [*Ibid.*, annex 27, appendix, para. 1 (*b*)]; (*d*) "During the expose made by the High Command of the Pakistan Army on 9 August 1948, it was stated that the *Azad* Kashmir forces were operationally controlled by the Pakistan Army". (*Ibid*, annex 27. appendix, para. 1 (*c*).)

An additional point in this connexion may be emphasized: the cease-fire agreement of 27 July 1949 is between the Governments of India and Pakistan and the United Nations Commission. United Nations observers will bear out the fact that posts on the Pakistan side of the south-east line in the west and in the north have been manned by "*Azad* Kashmir" battalions and Northern Scouts, all under the over-all control

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of the General Headquarter of the 12th Infantry Division of the Pakistan Army at Rawalpindi.

Let no member of this Council be under any illusion that whatever happens in Pakistan-occupied Kashmir, be it in the military or in the civilian sphere, is not strictly under the control and direction and inspiration of the Government of Pakistan. The administration of Pakistan-occupied Kashmir is run by the Kashmir Affairs Joint Secretary and other Pakistani officials seconded to the so-called *Azad* Kashmir Administration. The periodical changes in the presidency of the so-called *Azad* Kashmir take place at the command of Rawalpindi.

This is the background of the invasion of Kashmir on 5 August 1965. On that day large bodies of Pakistan troops in civilian disguise fully armed with automatic weapons, supplied with rations and huge amounts of Indian currency, carrying transistors and propaganda literature, began to infiltrate across the cease-fire line and the international border into the Indian State of Jammu and Kashmir. The infiltration took place across the cease-fire line in several carefully selected sectors: up in the north, near Chaknar, Keran and Tithwal: on the western sector of the line, at Uri, Punch, Mendhar, Rajori and Naoshera. The infiltrators also crossed into the Chhamb and Samba sectors of the international border. The strength of the Pakistani troops who infiltrated across the cease-fire line in civilian disguise is estimated at about 5,000. They came in parties varying in number, some of them in groups consisting of 100 or 200 men. Their immediate objects, according to the documents captured from them and statement made by prisoners, were to destroy bridges, police stations, petrol dumps and other important installations, and also to cut roads. Further, they were to capture the summer capital of the State, Srinagar, especially the adjacent airfield. Among their other objectives was the assassination of political and other leaders, as also the general terrorizing of the population by setting fire to schools, hospitals, etc., and attacking places of worship. They sought to conceal themselves in the forests and mountainous terrain, and some of the parties managed to reach the outskirts of the capital, Srinagar. There were

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attempts to cut the Srinagar-Leh road, which is India's vital line of communication with the north-eastern portion of the State. Large groups of these armed troops clashed with Indian Security Forces within a depth of five to ten miles of the cease-fire line from Punch to Naoshera on the western sector of the line. Heavy casualties were inflicted on these men and large nambers of them surrendered themselves to the authorities. Mopping-up operations are in progress and the Indian Security Forces have tried to seal the main passes, cutting the cease-fire line through which they came, and there is fear of other infiltrations. Large quantities of arms and equipment have been captured. There should be no doubt about the organized and deliberate manner in which the Pakistan Government participated in this armed infiltration. The evidence of the complete involvement of the Pakistan Government—if such evidence is required—is illustrated by the presence of the President of Pakistan at the dinner in Murree, in West Pakistan, in the second week of July, in honour of the Force Commanders and Company Commanders who were to take part in the infiltration operations. The capture of large quantities of arms and ammunition, the nature and type of weapons carried by the men, the statements made by the officers and other ranks who were captured by the Indian Security Forces, the markings on some of the weapons seized, the messages transmitted by men on the mobile transmitters which they carried, and above all, the very document before you—I refer to the report of the Secretary-General (S/6651)—all this should convince anyone who is willing to be convinced of Pakistan's direct complicity in this whole affair.

The weapons seized from the infiltrators consist of light machine-guns, rifles, Sten-guns, grenades, rockets, rocket-launchers, and large quantities of ammunition and explosives. The weapons, considering their range and the quantities of ammunition, could be supplied only by the Government of Pakistan. While some of the weapons carry markings to indicate their Pakistani origin, markings on others have been erased, clearly in order to conceal their origin. The Indian Security Forces have captured infiltrators with uniforms

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uncontestably belonging to the so-called *Azad* Kashmir battalions, which, as I have stated earlier, are part of the Pakistan Army. Some of these armed troops in civilian disguise have been captured with badges showing their ranks and battalion badges marked "AKRF", that is, *Azad* Kashmir Reserve Force. From the accounts given by the captured prisoners, it is confirmed that the majority of the raiders belong to the regular *Azad* Kashmir battalions of the Pakistan Army.

The first interrogation of prisoners has revealed that the planned training for the armed infiltration began in May 1965. Two of the officers who have been captured hold emergency commissions in the Pakistan Army. The prisoners have disclosed that a military headquarters was set up in Murree, in in West Pakistan, under the command of General Akhtar Hussa n Malik, General Officer Commanding the 12th Division of the Pakistan Army. The headquarters was known as Military Headquarters "Gibraltar Force"—what the word "Gibraltar" is supposed to indicate is anybody's guess. The prisoners also disclosed during interrogation that they had received over six weeks of systematic and intensive training in guerrilla tactics and the use of several weapons. They confirmed that their tasks were to try to damage bridges, raid supply pumps, army headquarters, roads, convoys of motor vehicles and mules belonging to the Indian Security Forces, and to assassinate the VIPs in Jammu and Kashmir. The transmitters and receivers which they carried were for the purpose of transmitting messages to Pakistan and receiving instructions from there.

One of the objectives of these Pakistani troops in civilian disguise, as I have stated earlier, was to cut roads and communications of vital and strategic nature. In pursuance of this objective, between 5 and 16 August 1965, Pakistani troops tried to cut the strategic road between Srinagar and Leh. They attempted to destroy bridges and lay mines on the roads and harass convoys of the Security Forces. As perhaps the members of the Council are aware, similar attempts were made earlier, and in May 1965 the Indian Army was forced to counter-attack the Pakistani troops in the Kargil sector, and cap-

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tured three of their posts. This was done in order to ensure the safety of the road from Srinagar to Leh. However, as is stated in the report of the Secretary-General, on being assured by the United Nations that military observers would be posted in the sector to ensure the safety of the road, Indian forces withdrew from three posts at the end of June. During the course of the current invasion of the State, and for exactly the same reasons, Indian forces once again occupied the three posts. On two other sectors of the cease-fire line also, Indian forces have been forced, purely as a defensive measure, to cross the cease-fire line and to occupy the strategic points—strategic from the point of view of defence rather than of offence. These points are in the Tithwal and Uri sectors of the cease-fire line. While the mopping-up operations were going on, it was learned that a large number of Pakistani troops in civilian disguise had begun to concentrate on or near the cease-fire line at certain points. The occupation by Indian forces of these points was therefore forced upon them, firstly, to seal off the routes of escape, and secondly, to prevent crossings of the cease-fire line by additional troops in civilian disguise from the Pakistan side.

This is the action which Pakistan claims has led it to cross the cease-fire line—the measures that we have taken in self-defence—in the southern sectors on 1 September 1965. It is a blatant perversion of the truth. Having willed themselves into believing that as soon as their troops arrived at the scene, the people of the State would rise in open rebellion, having allowed themselves no doubts, having been misled by their own propaganda, the authorities of Pakistan could do no less than to order the massing of further troops in civilian disguise on or near the cease-fire line was ordered to provide cover to the troops massed on the cease-fire line in civilian disguise. This can be verified by glancing through the report of the Secretary-General.

When even this served no purpose and the troops in civilian disguise already within the State began to be killed or captured or even to surrender, in large numbers, to the Indian

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security forces, on 1 September 1965 Pakistan took the ultimate step. Pakistani troops in regular attack formation and in brigade strength supported by armoured regiments which contained Patton tanks crossed the cease-fire line, indeed the international boundary, in the south-western part of the Indian State of Jammu and Kashmir. The strength of the Pakistani troops who have crossed the cease-fire line, the support provided by the armoured regiments and by fast modern aircraft—all this leaves no doubt that the attack was premeditated, well planned and in utter violation of the Charter of the United Nations, the generally accepted principles of international law and the cease-fire agreement.

In spite of this overwhelming evidence which clearly proves that the invasion was organized by Pakistan and is directly controlled and conducted by it, Pakistan denies that it has any hand in the matter. As soon as the Government of India became aware of the serious nature of the invasion, it instructed its High Commissioner in Pakistan immediately to call on President Ayub Khan to impress upon him the gravity of the situation. The High Commissioner was asked to tell the President of Pakistan of the grave consequences which would follow if immediate steps were not taken to withdraw the troops, that is the troops in civilian disguise. The appointment was fixed for him with the President of Pakistan and he arrived in Rawalpindi. However, he was unable to see President Ayub Khan. Instead, the Foreign Minister of Pakistan, Mr. Bhutto, met him and told him blandly that Pakistan knew nothing about massive aggression of the cease-fire line. It was an internal revolt of the people of the State against India, he said. This fiction continues to be maintained.

According to the Press release issued by the permanent mission of Pakistan to the United Nations on 1 September 1965, President Ayub Khan declared on that day, and I quote from the Press release :

> "Referring to the popular revolt which broke out in the occupied Kashmir on 8 August 1965, the President said : 'The successes achieved by the freedom fighters have been

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> striking and their heroic deeds will be a source of inspiration to all those engaged in the struggle for freedom in different parts of the world. The torch of freedom lit by these patriots has been carried from village to village and city to city." "

Presumably, the Field Marshal was referring to his own troops who are supposed to be freedom fighers. But on 18 August 1965, the cat had already been led out of the bag by Chaudhuri Ali Akbar, the Home Minister of Pakistan, who said, and I quote from the Pakistan newspaper *Dawn* of 19 August 1965:

> "The Minister said it was natural that the people of Azad Kashmir should have the fullest sympathy for their brethren in occupied Kashmir: who can question their right to go to their help? They have a right to be there".

The same newspaper in its edition of 20 August 1965 attributed the following statement to the Pakistan Foreign Minister :

> "The cease-fire line, he said, was drawn only temporarily and it was there by an accident of history. It should have been farther down in occupied Kashmir."

To quote the newspaper *Dawn* again, the Pakistan Foreign Minister, replying to India's charge of Pakistani aggression in Kashmir, said :

> "How could Pakistan commit aggression against its own people? People living on the two sides of the cease-fire line were indivisible. They are our own people."

Finally, here is another statement attributed by the same paper to Mr. Bhutto: "As a matter of fact, the State of Jammu and Kashmir was Pakistani territory which India has usurped."

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First, the correspondent of *The Times* of London, in his dispatch which appeared in that paper on 11 August 1965, wrote : "There is no indication of any armed revolt by people on the Indian side as announced by Pakistan radio."

Secondly, the *Baltimore Sun* of 10 August 1965 carried a report from its correspondence in Srinagar in the following words :

> "There is no evidence visible in or near the city to support the report from Pakistan of a popular uprising against India nor of repressive measures against the population.
>
> The same correspondent stated :
>
> "Higmy reliable sources here"—that is, my Srinagar—"confirmed the Indian statement that the guerrila raids which broke out here a week ago are conducted by infiltrators from the Pakistani territory... Political sources, hostile to the Indian Kashmir Government, agreed that there is no uprising of local residents. They said that their followers around the State report no signs of a revolutionary movement, which the Pakistan Government has said is operating in Indian Kashmir."

Thirdly, the correspondent of the *Chicago Daily News*, Mr. Paul Hurmuses, describing the Pakistani infiltrators as "marauding Pakistani guerrillas" in a dispatch on 12 August 1965, wrote :

> "Pakistanis have infiltrated at several poinis along the 475 mile long, sixteen year-old cease-fire line that is supposed to be supervised by United Nations military observers.
>
> "...
>
> "The bold Pakistani moves climax a year of repeated military clashes and are by far the most serious since

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> 1947, the year of independence for both India and Pakistan. Pakistan then sent waves of fierce Pathan fighters in a bid to seize all of the 86,000 square miles on the western flank of the Himalayas.
>
> "...
>
> "This week's attacks were launched from the *Azad* Kashmir of the Pakistan side of the cease-fire line.
>
> "...
>
> "The United Nations observers on the scene have established the existence of the heavily armed infiltrators and have recorded a number of clashes between them and Indians".

Fourthly, *The New York Times* of 14 August 1965 published the following dispatch from Srinagar :

> "On the basis of most reports thus far, the infiltrators appear to have been recruited mainly among the people of *Azad* Kashmir rather than from among those of the Indian-held section of the disputed territory."

Is it surprising, therefore, that the only source from which glorified accounts of the revolt come is Pakistan ?

The people of the Indian State of Jammu and Kashmir are alleged to have set up a revolutionary council. There is no such revolutionary council. The leaders of even those political parties who are opposed to the Government of the State have testified to this. This figment of Pakistani imagination—the revolutionary council—is supposed to be calling for the liberation of the people from Indian rule over a radio station alleged by Pakistan to be located somewhere in the State. We know where the radio station is located. It is in the part of the State which has been illegally occupied by Pakistan. Further, the radio station is broadcasting on two frequencies

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registered by Pakistan in its name with the international Frequency Registration Board. Pakistan has infiltrated the troops, provided them with arms, ammuntion, food and Indian currency, established a revolutionary by council—incidentally, none of its leaders is named—supplied them with a radio station called the "Voice of Kashmir", and provided these infiltrators with heavy artillery cover. And now we are asked by Pakistan to believe that the people of the State are in revolt against India.

Did these Pakistani troops in civilian disguise, who infiltrated across the cease-fire line, beginning 5 August 1965, achieve their objective? They did not. Due to the prompt action taken by the security forces, with which there was wholehearted co-operation from the local population, the Pakistani troops, although they were able to penetrate into the State at some points in considerable depth, failed miserably in all their objectives. What is more, these so-called liberators, not receiving any support from the local population, in fact being hunted by many brave Kashmiris, wreaked their vengeance on innocent people—men, women and children-on those who refused to cooperate, thereby proving themselves to be what they really are: marauders employed by Pakistan to commit looting, arson, murder and rape, Is it necessary for my delegation to remind members of the Council of the close parallel between the invasion of 1947-1948 and that of 1965? Is it necessary to inform representative that, as in 1947-1948, so in 1965 the heinous acts of rapes plunder, arson, looting and murder have been committed by Pakistan troops? For the benefit of those representatives who were not in this Council when this matter was considerd from 1948 onwards, I shall cite a instances.

On 10 Agust, in the village of Badgam, they set fire to two high schools. The inhabitants of the village who tried to put out the fire were fired upon by them.

On the night of 14 August, they started a fire in Baramula area on the out skirts of Srinagar, resulting in the destruction of 300 houses, Some of them with incendiary material

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in their possession were captured. A Pakistani radio broadcast admitted that this outrage was committed by Pakistani infiltrators.

Another typical incident: A group of Pakistani troops entered a village and started firing and looting. When the Indian security forces arrived on the scene, they found that eleven villagers had been killed, four wounded and six houses burnt down.

Another ghastly incident: On 8 August, some girls from the village Nangam in the north-west of the Kashmir valley went to a nearby forest to collect firewood. They detected some Pakistani troops in hiding there. The girls returned to the village and told their parents of this fact, who in their turn infrormed the authorities. A strong detachment of security forces was immediately sent to the forest and the surprised Pakistani troops fled, leaving behind substantial quantitities of arms and ammunition. Next evening, the Pakistani troops suddenly returned to the village, surrounded it and started looting the houses and violating the women. They wanted to make an example of the village for not co-operating with them. Four village leaders were bayonetted and, when the villagers protested, seventeen of them were shot at point-blank range. The Pakistani troops then set fire to the village and left with the looted property. The leaping flames attracted the attention of an Indian patrol, which immediately ambushed the Pakistani troops : in the encounter, thirty-six of them were killed on the spot and many more injured.

The latest incident I know of occurred on Thursday last Pakistani aircraft—Saber jets—attacked a village in the Chhamb sector of Jammu and Kashmir with machine-gun fire and bombed it, killing about fifty persons. During the course of the attack, the aircraft made a direct hit on a mosque. The name of the village is Jaurian.

The facts which I have recounted above, and which are amply supported by the decument before the Council, can lead to only one conclusion. It is that Pakistan is once again guilty of aggression against the Indian State of Jammu and Kashmir.

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In the earlier stages, it was a disguised invasion, although the disguise was very thin. Now Pakistani troops in regular attack formation, supported by armoured regiments and fast jets obtained from its military allies, are operating five to six miles on the Indian side of the cease-fire line. The aggression is so patent and deliberate that for it to be condoned by this Council would be tantamount to repudiating the obligations assumed by its members under the Charter of the United Nations, the generally accepted principles of international law and, what is more, the cease-fire agreement which was arranged with the help of the United Nations itself. Through this deliberate aggression, Pakistan has torn the cease-fire agreement to shreds and reduced the cease-fire line to shambles. The only part of the resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948 [S/1100, para. 75] was has ever been implemented, although fitfully by Pakistan, was part I relating to the cease-fire. That agreement has now been denounced by Pakistan through its conduct. By sending troops across the cease-fire line in the thousands, Pakistan has nullified the line. The Security Council must therefore consider the facts of Pakistan aggression and now, at least, come to the correct conclusion. The conclusion is that by condoning the aggression of 1947-1948 the Council in fact, although unwittingly, gave some legal semblance to Pakistan's armed presence in a part of the Indian State of Jammu and Kashmir. In this manner, Pakistan was given an excuse for continuing aggression and, what is more, for perpetrating further agression.

On behalf of the Government of India, I formally demand of the Security Council to condemn Pakistan as an aggressor and to instruct it to withraw from all parts of the Indian State of Jammu and Kashmir. The Council must now allow itself once again to be put out of action by any excuses or subterfuges. It is the duty of the Council to make Pakistan confront to the provisions of the Charter and inculcate in her the sense of good-neighbourliness, a sense of justice and a desire and willingness to live in peace and harmony with India.

The PRESIDENT: In acknowledging the statement made by the representative of India, may I, first of all, on a personal

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note, thank him very much for his kind reference to me. In turn, may I welcome him on behalf of the Council. He has a distinguished and noble record in the service of his country in many capacities, and I am sure I express the sentiments of all when I say that I have no doubt that he will make an equally distinguished contribution to the great work of the United Nations.

I give the floor to the representative of Pakistan.

Mr. Amjad ALI (Pakistan) : May I express to you my delegation's felicitations, Mr. President, on presiding over this august body, the Security Council, for this month. I need not recount your great experience, ability and outstanding knowledge of law, as these are well known. I am confident that you will prove a most worthy successor of a very famous predecessor.

May I also express my gratitude to you, Mr. President, and to the Council for inviting my delegation to participate in the meeting. As I have not received any instructions from my Government, I reserve the right of my delegation to express its viewpoint on this matter, of supreme consequence to us, at a subsequent meeting of the Council.

I would like to state that the appeal made by the Secretary-General to the President of Pakistan is receiving the earnest consideration of my Government.

In regard to the statement we have just heard, for a minute I thought that India, having called the meeting, had inscribed its name as the first speaker. I will be extremely brief and will say that I strongly and totally repudiate the allegations made by the representative of India. There is not a single statement made by him which is not based on deliberate fiction and cannot be controverted by facts. These facts—relating as much to India's traditional contempt for the Security Council's resolutions on Kashmir as to its controvention of the international agreement about the settlement of the Kashmir dispute, as to the more recent aggressive acts of India, the shelling of Awan Sharif, in West Pakistan itself; as to India's being the first to cross the cease-fire line in May, and as to the India air force's escalation of the conflict—are overwhelming.

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My delegation reserves the right to answer India's false allegations in a definitive manner on a more appropriate occasion.

202. *Text of the speech made by Mr. Parthasarthi (India) in the Security Council meeting No 1237 held on 4 September 1965.*

I have already spoken-about my Government's position in regard to this fresh aggression by Pakistan against the Indian State of Jammu and Kashmir, about the forbearance my Government has shown and the measures of self-defence that we have been forced to take.

The Council does not seem to be facing up to the simple issue of aggression. It is now considering a draft resolution sponsored by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. We have just seen that draft resolution. Naturally, we have had no time to study it or refer it to our Government for instructions. The Council will appreciate that I am in no position to state my Government's reactions. However, I should like to offer some general comments.

Cease-fire is a very desirable objective, but it can come only after Pakistan has been condemned as an aggressor and the Council has instructed the Government of Pakistan to withdraw its troops, whether or not they are in uniform, from the Indian State of Jammu and Kashmir. It is only along the these lines that a durable cease-fire will be possible.

In this context, I can do no better than to read out the text of the reply sent today, 4 September, by my Prime Minister to the Secretary-General :

> "I have the honour to acknowledge the receipt of your message received on 2 September.
>
> "I appreciate the considerations that have prompted you to address an appeal to us and to Pakistan. Our Permanent Representative in New York has been in frequent touch with you and has kept you informed of the situation as

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it has developed since 5 August. I have no doubt that from all the information that you have received from the United Nations observers in Kashmir and on the basis of your own assessment, it is clear that the root cause of the present dangerous situation is the undertaking of massive infiltrations of armed personnel from the Pakistan side, well organized and trained in sabotage and subversive warfare, the whole operation being conceived, planned and executed by Pakistan. The infiltrators are, in fact, members of Pakistan armed forces. These infiltrators are, in fact, members of Pakistan armed forces. These infiltrations are still continuing. Such action by Pakistan is a clear violation of the Charter of the United Nations and of the cease-fire agreement, and against all canons of international law and code of good neighbourliness. It is to meet this thinly disguised invasion that the Government of India, while showing every forbearance, has been forced to take preventive military action".

"In your message you have appealed in the interests of peace that we should indicate our intention to respect the cease-fire agreement, that there should be a cessation of crossings of the cease-fire line by armed personnel from both sides of the line and a halt to all firing across the cease fire line from either side of it. While I appreciate the motivations of your appeal, I have to point out that the terms of your message are such as might leave the impression that we are responsible equally with Pakistan for the dangerous developments that have taken place. Unless your message is read in the context of the realities of the situation as they have developed, it tends to introduce a certain equation between India and Pakistan, which the facts of the situation do not bear out. Indeed, it seems to me that your message has to be read in conjunction with the report that you have sent to members of the Security Council.

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"I would like to take this opportunity of apprising you of the salient facts of the situation. Since 5 August, several thousands of infiltrators from Pakistan and Pakistan-occupied Kashmir have crossed the cease-fire line. These men have come camouflaged as civilians and fully armed with modern weapons, signal equirpment, large quantities of ammunition and supplies and explosives. From the interrogation of the prisoners captured by us from among the infiltrators, many of whom are regular officers of the Pakistan Army, it is now known that a military headquarters was set up in Murree in West Pakistan in May 1965 under General Akhtar Hussain Malik, General Officer Commanding, 12th Division, of the Pakistan Army. This organisation is known as Military Headquarters 'Gibraltar Force'. Their instructions were to destroy bridges and vital roads, attack police stations, supply dumps, army headquarters and important installations, inflict casualties on Indian forces, and attack VIPs in Jammu and Kashmir. The statements of the captured prisoners and the nature and type of weapons which the infiltrators carried, large quantities of which have been captured by us, bearing the markings of Pakistan ordnance factories, prove beyond a shadow of doubt that the infiltrators were armed and equipped by the Pakistan Government and have operated under their instructions.

"Pakistan, however, has denied any knowledge of these armed infiltrators and persists in the theory that there is an internal revolt in Kashmir—a revolt which does not exist and has not been noticed by independent foreign observers. Since your message was sent, the situation has been further aggravated by a massive attack launched by two regiments of tanks and aircraft supported by Pakistan troops in brigade strength, across the cease-fire line and the international frontiers between the Indian State of Jammu and Kashmir and West Pakistan. The attack, which is in great strength, is aimed at our key positions controlling our lines of communications. Even

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on its own admission, as indicated in President Ayub Khan's broadcast of 1 September, the Pakistani forces have gone to the assistance of the infiltrators whom Pakistan chooses to call 'freedom fighters'. There is no pretence in it of any kind of defensive action and the Pakistani attack clearly constitutes aggression. The Pakistani attack is accompanied by the usual tactics of the aggressor, namely, indiscriminate bombing of the civilian population. In a bombing raid on 2 September, the Pakistan Air Force killed fifty civilians and injured an equal number in addition to bombing of a mosque. We have to meet the situation created by this latest Pakistani aggression.

"In your message, Mr Secretary-General, you have yourself recognized that essential to the restoration of the cease-fire would be a cessation of the crossings of the cease-fire line by armed personnel. As I have indicated above, the root cause of the present dangerous situation lies in the massive infiltrations of Pakistani armed personnel. Since the Pakistan Government disown responsibility for the armed infiltrations, your appeal to Pakistan, so far as armed infiltrators are concerned, can hardly be productive of results and the root cause of the trouble will remain.

"India is a peace-loving country. We have neither the inclination or is it in our interest to be deviated from the path of peace and economic progress to that of a military conflict. Pakistan has, however, by sending armed infiltrators in large numbers across the cease-fire line brought about a situation in which we have no choice but to defend ourselves and take such preventive action as may be deemed essential. In taking such preventive action we have, in certain sectors, had to cross the cease-fire line for the purpose of effectively preventing further infiltrations. This is a matter of great importance to us".

"As to the cease-fire agreement, you are well

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aware that we have shown respect the cease fire line all these years though Pakistan has shown scant regard for it. Over the past two years, General Nimmo, Chief Military Observer, has made proposals for a meeting between the representatives of India and Pakistan with a view to ensuring the observance of the cease-fire agreement and to preventing its violation from the Prkistan side by armed civilians. We have always accepted these proposals, but Pakistan has either rejected them or not responded to them. In July 1964, we offered to come to gentlemen's agreement with Pakistan to ensure tranquillity along the cease-fire line. Pakistan at first agreed to a meeting and the representatives of India and Pakistan were to meet in Karachi on 2 November 1964. However, a day before the meeting was to be held, Pakistan postponed the meeting unilaterally and did not suggest any fresh date thereafter.

"Pakistan's international behaviour is such as cannot be ignored in considering your appeal. It will be recalled that in 1947-1948 Pakistan undertook action similar to the present one and persisted in denying its complicity for several months until the truth could no longer be hidden and it had no way but to admit to the United Nations Commission for India and Pakistan, in July 1948, that Pakistani forces had been fighting in Kashmir for several months. That act of Pakistan's aggression the United Nations seems to have forgotten, but that aggression is still with us and Pakistan continues to be in forcible occupation of two fifths our State of Jammu and Kashmir.

"It is within your knowledge that in April 1965, Pakistan launched a military attack in our territory in the Rann of Kutch, a clear case of use of force for the assertion of its claims, which is forbidden by the Charter of the United Nations, the Bandung Declaration, the charter of the Organisation of African Unity, the Cairo Declaration many other international declarations of our

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time. In spite of such provocation we showed forbearance and reached an agreement with Pakistan on 30 June 1965 for the peaceful settlement of the border question. The hope was solemnly expressed by both sides in the agreement that it would result in better relations between India and Pakistan and in the easing of tensions between the two countries. It is now clear, however, that even when Pakistan was putting its signature to that agreement it was planning and organising the massive armed infiltration across the cease-fire line in Jammu and Kashmir, and even before the ink was dry on that agreement, Pakistan launched thousands of its armed infiltrators across the cease-fire line. We cannot be expected to wait for Pakistan to violate the cease-fire line and attack us at will, and we cannot go from one cease-fire to another without our being satisfied that Pakistan will not repeat its acts of violations and aggression in the future.

"There is no other name for the massive infiltrations of Pakistani across the cease-fire line and across the international frontier between Jammu and Kashmir and West Pakistan, and the military attack that Pakistan has launched into our territory, but aggression. That aggression throws on us, as a sovereign State, responsibilities for defence which are our right and duty to discharge.

"To sum up, I have taken this opportunity of acquainting you with all the aspects of the complex and dangerous situation that has been brought about by Pakistani actions. We owe it to you and to the high office you occupy with such distinction, to leave you in no doubt as to our position. Mr. Secretary-General, you have appealed for peace and we greatly appreciate your anxiety and the sincerity of your efforts. India has always stood firmly for peace and our position needs no reiteration. What is essential, however, today is that Pakistan should undertake forthwith to stop infiltrations across the

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cease-fire line and to withdraw the infiltrators and its armed forces from the Indian side of the cease-fire line and the international frontier between Jammu and Kashmir and West Pakistan. Furthermore, we would have to be satisfied that there will be no recurrence of such a situation. These have to be the starting points of any steps towards the restoration of peace for which you, as Secretary-General of the United Nations, are bending your efforts. I trust that, in the first instance, you will ascertain from Pakistan if it will accept the responsibility for withdrawing not only its armed forces but also the infiltrators, and for preventing further infiltrations. This, in fact, we take it, is the basic assumption underlying your appeal".

The Secretary-General's report [S/6651] contains the following in paragraph 9 :

> "I have not obtained from the Government of Pakistan any assurance that the cease-fire and the cease-fire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line".

Why has no assurance been forthcoming from Pakistan ? It is because that country has not desire to end its aggression on the Indian State of Jammu and Kashmir. In fact, Pakistan has disowned any responsibility for sending armed troops in civilian disguise across the cease-fire line. As my Prime Minister stated in a broadcast to the nation yesterday, 3 September :

> "The Pakistani Government has endeavoured to create a myth—and] this myth has been reiterated in President Ayub Khan's broadcast on 1 September—that infiltrators are freedom fighters and that there is an internal revolt in Kashmir".

Even today, on 4 Spetember, neither the representative of Pakistan nor the Government of Pakistan has admitted

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responsibility for sending armed troops in civilian disguise across the cease-fire line.

Paragraph 15 of the Secretary-General's report gives five conditions which are necessary before "restoration of the cease-fire and a return to normal conditions along the cease-fire line can be achived". One of the conditions, given in sub-paragraph (b), is :

> "A readiness on the part of the Government of Pakistan to take effective steps to prevent crossings of the cease-fire line from the Pakistan side by armed men, whether or not in uniform".

A further condition is the withdrawal of armed personnel. What guarantees can this Council give that even if Pakistan agrees to respect the cease-fire agreement and cease-fire line, it will take effective steps to withdraw all the armed personnel in civilian disguise who recently crossed into the Indian State of Jammu and Kashmir ? Is there any guarantee available from the Government of Pakistan ? If there is, what are the modalities of the withdrawal of the armed personnel in civilian disguise ?

In a broadcast to the nation yesterday, my Prime Minister said :

> "What we are up against is a regime which does not believe in freedom, democracy and peace as we do."

To quote from the Prime Minister once again :

> "In the agreement between India and Pakistan in connexion with the Gujarat-West Pakistan border, signed on 30 June 1965, Pakistan solemnly affirmed its hope that the agreement would result in better relations and easing of the tensions between India and Pakistan.
>
> "The conscience of the world will be shocked to know that even at the time this agreement was being signed, Pakistan had already drawn up the plan of armed infiltration in Kashmir and was training its personnel

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in Murree for operations to be undertaken just over a month later, even before the ink was dry on the agreement of 30 June. Such conduct speaks for itself."

It is the congenital hostility of the various regimes in Pakistan against India which dictates their policies. If the rulers of Pakistan were ever willing to live in peace with India, they would find a ready response from the Government and people of India.

The Council today speaks of a cease-fire. The Secretary-General has appealed for a cease-fire. Do I need to remind the Council that India has repeatedly offered a "no-war pact" to Pakistan ? On each occasion this offer has been spurned.

To meet the present situation it is essential that there be ; first, an acceptable guarantee from Pakistan that infiltrations across the cease-fire line will be stopped forthwith and that infiltrators and the armed forces of Pakistan will be withdrawn from the Indian side of the cease-fire line and the international frontier with the Indian State of Jammu and Kashmir and West Pakistan ; and secondly, an acceptable guarantee that there will be no recurrence of such a situation.

These are the starting points for any steps toward the restoration of peace.

As I understand it, there has so far been no reply from Pakistan to the appeal issued by the Secretary-General on 1 September. In the absence of such a response from Pakistan and in the absence of assurances requested earlier by the Secretary-General, it seems premature for the Council to proceed with the consideration of the draft resolution. As far as my delegation is concerned, the reply of my Prime Minister to the Secretary-general's appeal—which I have just read out—constitutes our attitude towards an appeal for a cease-fire from any other source.

Mr. Amjad ALI (Pakistan) : I hope that I was clearly understood by the members of the Council when I said earlier at this meeting that I had no instructions yet from my Government, and therefore I could make no statement on its behalf.

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The few remarks I made were meant only as a reminder to all that the allegations made by the Indian representative could be suitably refuted by facts. I am therefore rather surprised that the six-power draft resolution mentions in its preamble that the Security Council has "heard the statements of the representatives of India and Pakistan".

The Indian representative made his statement on his Government's instructions; I made no similar statement myself. The two statements cannot be put on the same footing; It is therefore for the Council to consider whether such a preamble as the one I mentioned is appropriate, and, more importantly, whether it will be at all helpful for the Council to adopt a resolution without hearing one of the parties.

I have not studied the draft resolution, I have merely glanced through it. I note with regret that the draft resolution does not even refer to the basis of the cease-fire which was established in Kashmir in 1949, the basis of the demilitarization and the plebiscite. This omission in itself can be seriously prejudicial to the position of the party which seeks the implementation of the resolutions of the United Nations.

Subject to instructions from my Government, I wonder how, without proof of the Security-Council's intentions to engage in serious efforts toward the settlement of the Kashmir dispute, in accordance with the wishes of the people of Kashmir as pledged to them by the United Nations, any appeal from the Security Council will effectively and convincingly restore the peace which we all desire.

203. *Text of the speech made by Mr. Amjad Ali (Pakistan) in the Security Council meeting No. 1238 held on 6 September 1965.*

The invasion of Pakistan by India is an event to which there is no parallel in the history of the United Nations. It is not only a most brazen aggression on the territory of a Member State; it is a deliberate transgression of the very purposes and principles of the United Nations.

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Not since the combined strength of the allied nations vanquished Hitler's hordes has the world been witness to a Power as crazed and cruel and contemptuous of the rights and existence of small nations as India under its aggressive and militant regime. What Hitler and the Nazis did in Europe, India has taken upon itself to do in Asia.

This morning, India flung down the gauntlet to all the nations and peoples of the world who value freedom and abhor war. If Pakistan has accepted this challenge, it was done so not only on its own behalf but also on behalf of every nation which has a stake in the principle of independence, equal sovereignty and self-determination of peoples. The severe test which my nation faces now is what will bring it glory in the eyes of those who would die rather than surrender before a perverse and predatory Power.

I can pledge to you, on behalf of my Government that we will not capitulate. We will not surrender one inch of our territory, one fraction of our rights, one iota of the principle of self-determination of peoples which we have tried to uphold here in the Security Council through eighteen long years.

Pakistan is one-fifth India's size. This is one basic fact which should not be forgotten on this occasion. I repeat Pakistan is one-fifth-India's size and immeasurably smaller in military capacity and economic potential. This fact has been an element in our constant, collective awareness. That we have never lost sight of it is proof enough of the utter absurdity of any notion that we could even secretly harbour aggressive designs upon India. Our President has, time and time again, in public and in private, expostulated with his own people and with the leaders of India about the insanity of war between India and Pakistan. But while we are, and have always been, conscious that we are much smaller than India, and can much less boast of armour, we have not on that account been prepared to countenance India's usurpation of Kashmir. Geographically small and militarily weaker though we may be, we are not craven. We have never hesitated to challenge India's annexation of the State of Jammu and Kashmir, which is against the wishes

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of its people and in utter contempt of the solemn, international agreement contained in the resolution of 5 January 1949 that the accession of the State to India or to Pakistan shall be determined by a free and impartial plebiscite conducted under the direction and control of the United Nations. In times of tranquillity as much as in times of turbulence, we have knocked at the doors of the Security Council, asking nothing but that this agreement be implemented, this pledge be fulfilled, this trust not be allowed to be betrayed. And while we have too often been disappointed, we have never denied the assurance to the downtrodden people of Kashmir that they will not be abandoned to a fate of oppression under India's colonial rule. We have reminded them again and again that there is a United Nations, that there is such a thing as the sanctity of international agreements, that all the world Powers are committed to the principle of self-determination of peoples, that these Powers have vowed the liquidation of colonialism, and that the pledge of allowing the people of Kashmir to decide their future without any pressure or intimidation from outside is a pledge as much from the Security Council as from India and Pakistan. We have assured them that, in this day and age, decency is bound to prevail in international affairs and that this pledge will not be dishonoured.

If this is a crime, we plead guilty. And we willingly submit ourselves to the bar of public opinion in the world.

The treachery of the attack that we have suffered today is self-evident. Far more eloquently than any words I can summon, each event, each development, as reported in the world, will proclaim the aggressor's shame. Let not this treachery be lessened in the world's eyes if I say that, to us in Pakistan, it has come as the culmination of a series of planned, perfidious, provocative acts of the Government of India, which started as early as December 1964.

The first manifestations of this policy of the Indian Government were political. It will be recalled that the Security Council held a series of meetings on the India-Pakistan question in early 1964, during which Sheikh Mohammed Abdullah, the

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leader who advocates the right of the people of Kashmir to determine their destiny, was released. The Security Council welcomed this development and all members expressed the hope that Sheikh Abdullah's efforts would be allowed to bear fruit in a just and honourable settlement of the Kashmir dispute and a reconciliation between India and Pakistan. At the end of its series of meetings, the Council appealed for a climate of moderation between the two countries. On our part, the Foreign Minister of Pakistan even offered a moratorium on all contentious issues between India and Pakistan so that the new leadership in India would have time to settle down. Somehow, we encouraged a birth of hope in Pakistan that sane counsels would prevail in India and that the dark shadows hanging over the subcontinent might now be hightened.

What was India's response ? How did India react to these currents of good will from our side ? It first started a propaganda barrage against Sheika Abdullah. Then on 4 December, the Home Minister of India announced that his Government had decided to annex Kashmir to India in such a manner as to make it impossible for the people of Kashmir ever to exercise their right of self-determination. The protests of the people of Kashmir, and our own, were answered in May by India's act of putting Sheikh Abdullah back in prison.

This was just the political prelude to military moves which soon followed. The Indian Prime Minister, Mr. Shastri, stated in Lok Sabha on 28 April that "If Pakistan does not listen to reason"—implying that if Pakistan does not accept Indian dictation in the Rann of Kutch dispute—"Indian Army will decide its own strategy and the employment of its manpower and equipment in the manner which it deems best." This threat was repeated by other Indian leaders. Following these open threats, Indian troops massed in offensive positions along the borders of west Pakistan and East Pakistan. These warlike preparations and hostile moves against Pakistan were taking place whilst negotiations were in progress for a peaceful settlement of the Rann of Kutch dispute. In order to facilitate these negotiations, Pakistan restrained its forces in the Rann of Kutch from advancing to the 24th parallel—where the India-Pakistan

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border lies—following the surrender of Biar Bet by Indian forces on 27 April. It is important to remember that India had publicly threatened to take military action agninst Pakistan at a time and place of its own choice.

On 17 May, India's forces deliberately crossed the cease-fire line in Kashmir in the Kargil area and occupied three posts of the Pakistan side. This threat, as well as the act of moving a brigade from the Aksai Chih front and-a maintain division from the Nefa area, where Indian forces were supposed to guard India on the Chinese border, were two clear pointers to Indian designs on Kashmir.

All this had nothing to do with the so-called infiltration of armed men into Indian-occupied Kashmir. What was the truth about this so-called infiltration ? We declared solemnly before the Secretary-General that no troops of Pakistan or *Azad* Kashmir crossed the cease-fire line. India alledged otherwise. But we vindicated our stand when we suggested that Mr. Ralph Bunche, the personal representative of the Secretary-General, proceed with an unrestricted mandate to both parts of Kashmir and examine the situation for himself. If there was any truth in India's allegations, why did India fight shy of the proposed mission of Mr. Bunche ?

The fact is that this alibi that Indian action in Kashmir in August had the limited objective of stopping the so-called infiltrators was meant only to delude that outside opinion which is not conversant with the realities of India and Pakistan. Otherwise, how did it happen that India mounted an offensive in Kashmir which far exceeded the action of the freedom fighters in Kashmir ?

As the Security Council is well aware, the cease-fire line in Kashmir had been in a state of agitation for almost a year, with numerous violations on both sides. A technical report from the United Nations Military Observer Group in India and Pakistan (UNMOGIP) could not bring out the relative magnitude of these incidents. It is one thing for the cease-fire line to be violated; it is another for the part of Kashmir on one side of

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the cease-fire line to be invaded. There is a difference between violation and invasion.

It was India that staged an invasion in Kashmir and thus reduced the cease-fire line to a nullity. This was done with public fanfare. On 14 August, India's agent in Kashmir Ghulam Muhammad Sadiq, whom it designates as Prime Minister of Kashmir, said that the invasion of *Azad* Kashmir could not be ruled out. On 22 August, the Prime Minister of India said that India would carry the fight to the Pakistan side. On 23 August; the Defence Minister of India stated in the Indian Parliament that Indian troops had in the past been crossing the cease-fire line and would do so again if necessary. The same day, Indian forces shelled the village of Awan Sharif in West Pakistan, killing twenty civilians and wounding thirteen, including women and children. On 24 August, the Defence Minister of India announced in the Indian Parliament that India had crossed the cease-fire line in Kashmir. That announcement was greeted by cheers and thumping of desks in the Indian Parliament and screaming headlines in Indian newspapers. The same day Indian forces seized two posts *Azad* Kashmir in the Tithwal sector and, later, overran the Haji Pir Pass. On 28 August, an official spokesman of the Government of India said : "The only effective measure we can take at the moment is advance and that advance carries us across the cease-fire line."

As *The Times* of London reported on 2 September : "India has for the past few weeks been enjoying accounts of the victorious advance into Pakistan territory."

Faced with this clear aggression, what did Pakistan do ? We remained patient for two weeks. Our army refrained from crossing the cease-fire line. We even refrained from giving air support to isolated posts in the Uri-Punch sector, which faced overwhelming Indian forces unaided.

But India was not stopped from its deliberate course by our moderation and restraint. When we found that our controlled reaction could not bring sanity to India and we were forced to take defensive action in the Chhamb area of Kashmir to forestall further aggression. India was the first to throw

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aircraft into combat and thus make another move towards the escalation of the conflict.

This brief account clearly shows that until yesterday there were the following outstanding facts of the present conflict between India and Pakistan : India was the first to destroy the atmosphere of moderation which was sought to be established between the two countries ; India offered gratuitous provocation to Pakistan as much as to the United Nations when in December 1964 it proceeded to annex Kashmir so as to thwart for ever the self-determination of the people of Kashmir ; India committed a blatant act of aggression when, in May, it seized three posts on the Pakistan side of the cease-fire line in the Kargil area of Kashmir ; India announced on 29 April that its army would choose a place advantageous to it directly to strike Pakistan ; India was the first to cross the cease-fire line in Kashmir ; India was the first to bring aircraft into the fighting and thus enlarge the conflict.

These were the outstanding facts of the Indian-Pakistan situation until yesterday. But they are exceeded, though not eclipsed, by today's events. On these events, I can do no better than quote the words of my President in his broadcast to the nation today, 6 September :

> "All India's military prepartions during the last eighteen years have been directed against us. They exploited the Chinese bogey to secure massive arms assistance from some of our friends in the West who never understood the mind of the Indian rulers and permitted themselves to be taken in by the Indian avowal that once they were fully armed they would fight the Chinese.
>
> "We always knew that these arms would be raised against us. Time has proved this to be so.
>
> "Now that the Indian rulers with their customary cowardice and hypocrisy have ordered their armies to march into the sacred territory of Pakistan without a formal declaration of war, time has come for us to give

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them a crushing reply which will put an end to India's adventure in imperialism.

"The brave people of Lahore have been chosen as the first to confront the enemy. They will remain in history as the people who delivered the last blow to destroy the enemy. The hundred million people of Pakistan will not rest until India's guns are silenced for ever."

The actual events reported so far are that the Indian Army launched an attack on Pakistan territory on the Lahore front early this morning. This was preceded by heavy artillery shelling. The Indian Air Force strafed a stationary passenger train near Wazirabad railway station. The President of Pakistan has described this outrage as a grim sequel to India's wilful acts of aggression.

I should like to quote from paragraph 4 (g) of the Secretary-General's report [S/6661] :

"General Nimmo reported in the early morning of 6 September that the following information had just been received from the CGS Pakistan Command: 'On 6 September 1965, at 5 a.m., Indian troops have attacked across the West Pakistan border from Jassar Bridge (Pathankot area and south to Sulaimanke). Major attacks Lahore, Sialkot from Jassar and Kasur from Ferozepore (all in Pakistan). Estimated strength whole Indian Army less four divisions.' "

I understand from news reports that India is making use of several pretexts to justify its treachery. One of these is that a Pakistani plane strafed an Indian base in Amritsar yesterday. I totally and vehemently deny that allegation. Another is that our forces crossed the "international frontier" into Jammu and Kashmir. Let me make it clear that there is no international frontier between any part of Jammu and Kashmir and Pakistan. Jammu and Kashmir is not a State or province of the Indian Union but a territory in dispute whose disposition is yet to be determined according to the law of the United Nations. There is no international frontier between Pakistan and Indian-occupied

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Kashmir any more than there is an international frontier between Pakistan and *Azad* Kashmir.

But, in sheer disingenuousness, the inventive capacity of India's rulers is inexhaustible. One of the statements made today and reported in news dispatches is that India has not declared war on Pakistan but is only launhing a limited action on the territory of Pakistan to destroy bases of operation in Kashmir. The world is all too familiar with the pretexts chosen by aggressors for their invasions of other nations' territories. Did Hitler ever lack an excuse ? The rulers of India are, and have always been, adept practitioners of Nazi craft. They invaded and overran Junagadh in 1948 and called it a police action. They invaded and overran Hyderabad in the same year and called it a police action. They conducted a campaign of genocide against the brave Naga people in the north-east and called it a security action. They invaded Goa—even though their claim to Goa could be justified on other grounds—and called it a police action. It was on this occasion that the representative of India came to this table and defiantly said, "Charter or no Charter, Council or no Council". And, now, India has invaded Pakistan again under the cover of a police action.

But no such cover or excuse can possibly hide the nakedness of India's aggression today. Its record of four initiatives towards war is not, and cannot be, matched by any other nation today. Indeed, few nations in history could boast of this accomplishment in a span of eighteen years, except in conditions of general war. Underlying these brazen acts of use of force is India's consistent attitude in the Kashmir dispute. It is the attitude of thwarting every attempt, resisting every move, spurning every offer ignoring every Security Council resolution which would facilitate the implementation of the international agreement enshrined in the two resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, jointly accepted by India and Pakistan. The agreement makes it the firm obligation of India and Pakistan to demilitarize Kashmir and enable a free and impartial plebiscite there.

This is the full picture of India's policy towards Pakistan

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and other neighbouring peoples. We have known since the establishment of India and Pakistan as two sovereign States that the mentality of Indian rulers has always sought to undo the partition of British India, effected by agreement in 1947, and to annex Pakistan. They have always given hints to this, sometimes blatant, sometimes subtle. Their occupation of Kashmir, as we have demonstrated time and again in the Security Council, is but a vital part of their designs of eventually crushing Pakistan. These designs have been brutally brought to our notice whenever it suited India's policy to intimidate us. At other times they have been concealed. We had not yet established ourselves in 1947 when India did its level best to ensure that the new State of Pakistan die in its infancy. We then passed through fire. At that time, the founder of our State, Quaid-I—Azam Mohammed Ali Jinnah, said and I quote: "God is great. No surrender until they lift us bodily and throw us into the Arabian Sea. No surrender."

I can assure you that every soul in Pakistan echoes these words today.

At this grave hour Pakistan appeals to all free and freedom-loving countries to give us their full support in the exercise of our inherent right of individual and collective self-defence, recognized in Article 51 of the Charter of the United Nations. As the Foreign Minister of Pakistan has said in his message of 6 September [S/6669] to you, Mr. President, Pakistan will exercise this right until the Security Council has taken effective measures to restore international peace and security by vacating India's aggression against Pakistan and Jammu and Kashmir, which India has forcibly and illegally occupied in violation of the United Nations resolution. The aggression unleashed by India against our country poses for the United Nations one of the most serious challenges to its very basis. The situation calls for action by the Security Council immediately, including enforcement action to put an end to the Indian aggression and to restore international peace and security on the basis which I have just stated. This is the only way to secure a lasting peace in the region.

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204. *Text of the speech made by Mr. C. S. Jha (India) in the Security Council meeting No. 1238 held on 6 September 1965.*

I am most grateful to you, Mr. President, for your welcoming words, and I am grateful to the Council for giving me the opportunity of expounding the position of my Government.

I have just heard the statement of the representative of Pakistan. He spoke with emotion and with a great deal of rhetoric. But rhetoric is no substitute for facts, and what the Council and what the whole world have to apply themselves to are the facts of the situation. I will briefly answer some of the points that he made, later, but to begin with, may I have your permission to read out the text of the message dated 6 September from the Minister of External Affairs of India to the Secretary-General in answer to the communication by the Secretary-General forwarding resolution 209 (1965) of the Council.

"The Minister of External Affairs of India presents his compliments to the Secretary-General and has the honour to acknowledge the receipt of the text of resolution 209 (1965) adopted by the Security Council at its 1237th meeting on 4 September 1965. The Government of India, having given the most careful consideration to the resolution of the Security Council, would like to convey the following views to the Secursty Council.

"The Government of India appreciates that the Security Council, in its anxiety to stop the continuance of hostilities and bloodshed has urgently adopted a resolution in the hope of bringing about an immediate cease-fire. This resolution has evidently been adopted without taking into consideration the reply of the Prime Minister of India communicated to the Secretary-General on 4 September 1965 [6672] in response to the appeal of 1 September addressed by the Secretary-General to the Government of India [S/6647]. The reply of the Prime Minister of India narrated the events leading to the present situation

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in Kashmir, and also urged the steps which should be taken to restore peace in the State of Jammu and Kashmir. It is also evident that the resolution does not take into consideration certain important findings and recommendations of the Secretary-General contained in his report of 3 September [S/6651]. Further, neither the resolution nor the discussions which preceded the adoption of the resolution took note of the fact that on 1 September Pakistan violated the international border south of the cease-fire line between the State of Jammu and Kashmir and West Pakistan in order to attack the Chhamb-Jaurian sector within the State of Jammu and Kashmir, there-by extending the area of conflict. While aggression across the international border in the Chhamb-Jaurian sector continues, this attack, directed as it was by regular forces of the Pakistan Army towards gaining territory and cutting the vital lines of communication between the rest of India and the Indian State of Jammu and Kashmir, has changed the entire character of the situation. The offensive action in the Chhamb area was being fed by bases in Pakistan along the border of Pakistan with the State of Jammu and Kashmir. There were strong concentrations of Pakistan forces on the western frontier between India and Pakistan. On 5 September, after the resolution of the Security Council calling for a cease-fire, Pakistan aircraft bombed an Indian Air Force unit in Amritsar in the Indian State of Punjab. Pakistan aircraft also bombed Ranbirsinghpura and other places in Jammu and Kashmir well away from the ceasse-fire line. It was obvious that Pakistan was preparing for an offensive against India in a big way and a situation was created in which action restricted to Jammu and Kashmir could no longer meet the need of the situation. Since the United Nations has throughout accepted that the security of Jammu and Kashmir is the responsibility of India, the Government of India had no alternative but to give effective assistance to our forces by moving across the Wagah border to stop Pakistan at the bases from which the attacks in Jammu and Kashmir were being mounted and supported.

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"In resolution 209 (1965) the Security Council,

"*Calls upon* the Government of India and Pakistan to take forthwith all steps for an immediate ceasefire.

"This cease-fire is posited on the condition mentioned in paragraph 2 of the resolution which

"'*Calls upon* the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line'.

"It is the view of the Government of India that, if a cease-fire is to be brought about and peace restored, the withdrawal of the 'armed personnel of each party.' referred to in this paragraph, must include all infiltrators from the Pakistan side of the ceasefire line, whether armed or unarmed, because, as stated by the Prime Minister of India in his reply to the Secretary-General, the present hostilities originated with large-scale infiltrations of armed and unarmed personnel from Pakistan, and until the activities of such personnel cease and until such personnel are withdrawn from the Indian side of the cease-fire line, peace cannot be restored, for which Pakistan must accept full responsibility.

"It has been stated by the Secretary-General in paragraph 15 of his report of 3 September, that the restoration of the cease-fire and a return to normal conditions along the cease-fire line can be achieved *inter alia* by :

"'(*a*) A willingness of both parties to respect the agreement they have entered into :

"'(*b*) A readiness on the part of the Government of Pakistan to take effective steps to prevent crossing of the cease-fire line from the Pakistan side by armed men, whether or not in uniform.'

"These findings of the Secretary-General, based on the reports of the UNMOGIP, established beyond any

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doubt that Pakistan committed aggression against India across the cease-fire line. This aggression began in its massive form soon after India agreed to withdraw and withdrew from the Kargil area considered strategically vital to the security of the Srinagar-Leh road, on the assurances given by Pakistan through the Secretary-General that the security of this road would not be endangered by Pakistan. But as stated by the Secretary-General in paragraph 4 his report: 'Subsequently, there were some military attacks on the road by armed elements from the Pakistan side.' This establishes clearly that Pakistan had no intention of honouring solemn assurances given to India through the Secretary-General and was bent on renewed and further aggression."

"The facts leading to the present situation and narrated in Prime Minister Lal Bahadur Shastri's message of 4 September to the Secretary-General are borne out by the Secretary-General's report, wherein it is stated in paragraph 6 that :

"'General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent...in the form of armed men, generally not in uniform, crossing the cease fire line from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations observers, in the light of the extensiveness and character of the raiding activities and their proximity to the cease-fire line...As regards violations by artillery, there was heavy and prolonged artillery fire across the line from the Pakistan side in the Chhamb/Bhimbar area on 15 and 16 August, and on 19 and 26 August the town of Punch was shelled from the Pakistan side, some of the shells hitting the building occupied by the United Nations military observers. Pakistan artillery again shelled the town of Punch on 28 August...It is likewise confirmed that as of 24 August armed elements from Pakistan were

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still occupying Indian postions (pickets) north of Mandi in the Punch sector of the cease-fire line.

"The Secretary-General's report has also stated that United Nations military observers have confirmed that on 1 September, the Pakistan army supported by artillery and air force attacked the Chhamb area of the Jammu-Jhangar sector; and on 2 September attacked Jaurian village across the international border between India and Pakistan.

"Thus, agression by Pakistan has been clearly established by the independent authority of the United Nations and it is to be regretted that the Security Council has not taken this into consideration or asked Pakistan to withdraw from across the international border south of the ceasefire line and to respect the international border between India and Pakistan.

"While the Secretary-General in his recommendations to the Security Council referred to above has sought willingness of both parties to respect the agreement they have entered into this appeal should more appropriately have been addressed to Pakistan alone because India has always respected the agreement in respect of the cease-fire line. This is borne out by the report of the Secretary-General itself. In paragraph 9 of this report he has stated that on the morning of 9 August 1965, a telegram was received from General Nimmo warning that the situation was deteriorating along the cease-fire line. On the basis of this report, the Secretary-General asked the representative of Pakistan to convey to his Government his 'very serious concern about the situation that was developing in Kashmir, involving the crossing of the cease-fire line from the Pakistan side by numbers of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the cease-fire line be observed.' In response to this appeal, the Secretary-General has noted that: 'I have not obtained

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from the Government of Pakistan any assurance that the cease-fire and the cease-fire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line.' The reason for Pakistan refusing to give such an assurance is also evident from paragraph 10 of the report of the Secretary-General when he described the considerations which led to his withholding the statement he wanted to make in consultations with the Governments of India and Pakistan. While India was agreeable to the statement proposed to be issued by the Secretary-General, according to the Secretary-General: 'The Government of Pakistan was strongly negative about the statement in general on the grounds that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance, since a cease-fire alone supports the *status quo* to India's benefit.' It is clear from this that Pakistan did not want and does not want to maintain the *status quo* in respect of the ceasefire line and its only aim is to violate the ceasefire line and by aggression to extend by force the forceable occupation of the two-fifths of the State of Jammu and Kashmir to the whole of the State of Jammu and Kashmir. Thus, it is Pakistan alone who should be asked [to express willingness to respect the agreement they have entered into and to desist from altering the *status quo* by force.

"The Secretary-General, in the second recommendation contained in paragraph 15 of his report, has urged categorically that the Government of Pakistan is to be asked to express its readiness 'to take effective steps to prevent crossings of the cease-fire line from the Pakistan side by armed men, whether or not in uniform'. It is obvious from this that, as stated in the reply of the Prime Minister of India to the Secretary-General, the present situation has arisen not from any armed revolt in the State of Jammu and Kashmir, as wrongly alleged by Pakistan, but as a result of massive armed infiltration organized and planned by Pakistan, followed by attacks

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by the Pakistan Army and Air Force. Until this aspect of the situation and the recommendations of the Secretary-General in this regard are taken into consideration, no progress can be made to restore peace in the State of Jammu and Kashmir.

"The Government of India is of the firm view that an immadiate cease-fire and the implementation of paragraph 2 of Security Council resolution 209 (1965) can be brought about only when Pakistan takes effective steps to further crossings of the cease-fire line from the Pakistan side by armed and unarmed personnel, civil and military, whether or not in uniform, and also immediately removes from the Indian side of the cease-fire line all such personnel who have already crossed the cease-fire line, Pakistan must also vacate aggression in the Chhamb area. forcibly occupied by Pakistan since I September from across the international border, and undertake to respect in future the international border between India and Pakistan. Furthormore, India would have to be satisfied that there will be no recurrence of such a situation before a cease-fire can be effective and peace restored."

This message from the Minister of External Affairs in reply to the Secretary-General gives the position of my Government with regard to the matter that is before the Security Council—incidentally, I note that there is no response from Pakistan. Although more detailed, the message contains substantially the same points that were made by the Prime Minister of India in his message of 4 September to the Secretary-General. Our position has therefore been made clear before the Council, and I have nothing more to add in that respect.

Now, with the permission of the President, I should like to say a few words about the rhetorical, highly coloured and, in many instances, false statements made by the representative of Pakistan. He talked about Pakistan's being one-fifth the size of India. I think that perhaps that is arithmetically a little wrong, but nevertheless it is correct that Pakistan is smaller in size than India. But what do we see today ? We certainly do not judge a

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country by its size. A large country and a small country are both Members of the United Nations and enjoy sovereign equality; they are equals before the international community. But today we find that Pakistan has mounted an aggression agasnst India with the help—and I have to mention this regretfully—of weapons obtained from its ally by deceitful means throughout these years. These weapons were obtained for other purposes, but today they are being used agaiast the sons of India, against friends of the United States, in an action which is a patent example of agression.

The representative of Pakistan has also referred to what he calls India's aggressive actions. In his statement, he has turned a blind eye to many things. He has not mentioned the report of the Secretary-General of 3 September 1965, which is a Council dosument and which indeed forms the basis of the consideration of this matter by the Council. That report has been ignored. He has ignored the fact of the massive infiltrations commencing on 5 August, which again is a matter of history, which is testified to in the report of the Secretary-General in no uncertain terms, and which is again based on the observations of United Nations observers who have been specifically entrusted with the task of observance of the cease-fire. All these, according to Pakistan, do not exist. The incidents of 5 August and thereafter—the massive infiltration of hundreds, and in fact thousands, of men armed to the teeth with modern weapons, well organized and coming into our territory to commit sabotage and arson—those facts have been completely ignored.

The representative of Pakistan has also ignored and forgotten, although the world has not forgotten—and certainly we have not forgotten—the invasion of Jammu and Kashmir by Pakistan in 1947-1948. The Council will recall—or certainly the permanent members of the Council—that at that time the State of Jammu and Kashmir, which is an integral part of the Indian Union juridically and in fact, was invaded by Pakistan, and that for months Pakistan refused to admit any hand in that invasion. Before the Security Council, its representatives solemnly and on several occasions denied any complicity in the

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invasion of Kashmir, any complicity in the activities of the raiders who had come across the boundary between Jammu and Kashmir, on the one hand, and Pakistan, on the other. But truth cannot be hidden forever. Seven months later, in July 1948, when they realized that it was no longer possible to hide the fact of their complicity, they admitted before the United Nations Commission on India and Pakistan that the Pakistan Army had been in Kashmir in the strength of one or two brigades—I cannot recall now which it was ; that they had been there, and had been there for several months.

That, of course, happened several years ago. But the consequences are still with us. Today, Pakistan occupies two-fifths of the State of Jammu and Kashmir, without the slightest shadow of legal right, and its occupation is based solely and entirely on force. That is aggression, which we shall not forget. The Council may have forgotten that—there have been tendencies sometimes to forget it—but we cannot forget. That is aggression, and that aggression is continuing today.

Not content with that aggression, Pakistan has engineered aggression in the form of massive infiltrations of armed personnel, the fact of which can no longer be doubted in the context of the report of the Secretary-General and the reports of the United Nations observers.

I would request the Council to pause for a moment and consider the enormity of this action. India is a peaceful State. It does not want to get into any trouble with its neighbours ; it has no designs on its neighbours ; it does not covet any territory. Its record of peace, and its contribution to peace, is inscribed in the archives of the United Nations. Here we are, a peaceful State—and suddenly thousands of armed personnel, most of them belonging to the regular forces of the Pakistan Army in the camouflaged garb of civilians descend on our territory. They descend in the midst of our population, with instructions from the Pakistan Government—as has been shown and abundantly proved by statements of captured prisoners, by photographs of weapons and of men who have been captured—to commit sabotage, arson, murder and pillage, to disrupt the lines of communication, to harass the Indian

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Army and to create an internal uprising. These are the motives with which these people came into our territory.

I said a moment ago that this is a matter to be paused over and pondered. Is it permissible for a State, a neighbouring State, to send thousands of armed personnel into another State to commit illegal acts? Does that not amount to aggression? Does that not amount to a flagrant violation of the Charter? Is it not against all principles of peaceful coexistence? Is it not contrary to the numerous international declarations—the Bandung Declaration, the Charter of the Organization of African Unity, the Cairo Declaration, and numerous other declarations—which have been adopted by nations and which today embody the ethos, the ethics of international life? Surely, that sort of action cannot be permitted. If is does occur, a sovereign State is obliged—it has not only the right, but the duty—to defend itself against this kind of aggression.

That is all we did. The infiltrators who came into our territory were dealt with in accordance with the normal way of dealing with law-breakers, which is the right of every State. But then, these people kept on coming. We made it quite clear—the representative of Pakistan has even quoted some statements by my Prime Minister and others—that this was a most worrisome situation for us, a situation of patent and naked aggression—a situation which is not permissible for a neighbouring State to create under the Charter of the United Nations, or under any other code of international behaviour. Therefore, we had to take action to meet this situation. We were faced with an endless chain of men being sent over the frontier. We pushed them back, they continued to come into our territory. Therefore, we had to take military action; we had to take defensive measures which would not only enable us to deal with these people in our territory but, even more important, which would enable us to stop these infiltrations. We made no secret of this; as a matter of fact, our representatives here informed the Secretary-General of this development.

The most curious feature of this whole business is the fact that Pakistan denies compeletly any knowlege of these

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armed infiltrations or of despatching these infiltrators. According to Pakistan, they do not exist ; according to them there is a mythical revolt in Kashmir.

Today, the whole world knows, however, as has been testified to by foreign and independent observers, then there is no revolt in Kashmir : the people are with the Government —contrary to what Pakistan has tried to lead or mislead the world to believe—and the therefore co-operate with the Government. They are angry that their homes and herds have been raided by these armed men from across the cease-fire line, and they have helped the Government in tracking down these infiltrators. There is no revolt of the people in Kashmir. In fact, the people are suffering—they have suffered and are suffering—at the hands of Pakistani armed personnel, both regular, personnel and this camouflaged body of infiltrators.

While the Secretary-General was making earnest efforts, in consultation with the representatives of India and Pakistan, to find a way out of this difficult situation—even while these efforts were being made—Pakistan, on 1 September, mounted a terrific attack : two regiments of tanks, to beigin with—extremely lethal weapons which they had deceitfully obtained from their allies for other purposes—a most severe onslaught, partly across the cease-fire line, partly across the international frontier between Jammu and Kashmir, and today, they have penetrated something like twenty miles, or even more, and are threatening our lines of communication with our armed forces in Kashmir, and also the lines of communictation in general between Jammu and Kashmir and India. This they call defensive action.

These words—"defensive action"—are in current use. Yet, if there is one thing history has taught, it is that aggressors, when they use those words, use them for a different purpose ; to camouflage their aggression.

In the broadcast on 1 September, President Ayub Khan, while reiterating the denial of any knowledge of infiltrators, or of any responsiblity for these armed infiltrators, and in announcing the invasion of the Chhamb area, into Jammu,

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went on to say that Pakistan forces were obliged to go into Jammu and Kashmir to help the so-called freedom fighters.

Mark these words. This is not defensive action : he does not state he went there to defend Pakistan. He went there to help others whom he thought were freedom fighters. This is not defensive action. By the very words of the President of Pakistan, the action that Pakistan has taken—the great military thrust supported by tanks, heavy artillery aircraft, etc., as a result of which Pakistani forces have penentrated many miles into our territory—could not be called defensive action. It was offensive action. Tanks are usually used for offensive purpose in such a manner. It was aggression, whatever may be the reason or justification in their own eyes for that action.

The represenative of Pakistan has also denied that there is an international frontier between Jammu and Kashmir and Pakistan. The State of Jammu and Kashmir is a part of the Indian Union ; I repeat this, as it has been repeated dozens of times before this Council. And if we have to repeat it again, we do so because it is our sacred right and our sacred duty to defend the integrity of any part of India. That right and duty cannot be taken away from us, even by the United Nations, because the very basis of the Charter of the United Nations is the recognition of the sovereignty of a country. We have the right to defend our territory, and Jammu and Kashmir is a part of India ; no emotional outurst on the part of Pakistan can change that fact. I want to make that clear. All consideration by this Council has to take account of that very basic fact. If it is ignored, then the very basis of this consideration disappears.

India has the right to defend itself. As Prime Minister Nehru stated, several years ago, an attack on Jammu and Kashmir is an attack on India. He was stating an obvious fact, but wanted to emphasize it because the eyes of our predatory neighbour have always been cast on Jammu and Kashmir.

As you know, there is a cease-fire line, which of course is not an international frontier : it is a line arising out of the

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cease-fire agreement of 1949. But below the cease-fire line there is a long frontier between the Indian State of Jammu and Kashmir and Pakistan ; and the fact that it is an international frontier cannot be altered merely because Pakistan has advanced a spurious claim to the State of Jammu and Kashmir ; there can be no other frontier but an international frontier between Jammu and Kashmir and Pakistan. Therefore, even taking the worst view—which I do not for a moment admit—that it is a disputed frontier does that justify a State marching its armies across a frontier it regards as disputed ? As I said, no dispute exists : and if the theory put forward by the representative of Pakistan were adopted, then the whole of international society would lose the very basis for its coexistence.

I am sorry to take the Council's time, but I wish to put the record straight. The representative of Pakistan has talked of colonialism ; he accuses India of colonialism in Jammu and Kashmir. The people of Jammu and Kashmir are the people of India. They are our kith and kin ; they are blood of our blood, and they are as much Indian citizens as anyone else in any part of India. That is not colonialism. They enjoy the same rights and privileges, the same guarantees under the Constitution of India, as any other citizen of India. The representative of Pakistan would be well advised to look nearer home, to look whitin Pakistan itself. Some introspective examination is always good for the soul. If there is colonialism, it is the colonialism that is being practised in Pakistan. A ruling group, divorced from contact with public opinion, is ruling over large sections of the people of Pakistan. If there is colonialism, it exists in Pakistan. The Pashtoons, the Baluchis, the East Pakistanis, are being ruld without any regard to their civil rights, to their fundamental human rights and freedoms. That is colonialism as the world understands it.

The representative of Pakistan continued to repeat that all the action undertaken by Pakistan has been defensive action. I have already said that the action taken by Pakistan, first and foremost—and I repeat "first and foremost"—has been the planned and Government-directed infiltration, massive infiltration, of thousands of people into our territory, which is

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aggression. That is something which international society cannot tolerate ; it is not open to any neighbour to behave in that fashion, and if it does behave in that fashion, retribution must come.

Every nation has the inherent right to exercise self-defence, and that is what we have done against these armed infiltrators. The action undertaken by Pakistan is surely not defensive action. Its massive attack with tanks, heavy artillery and aircraft deep inside Jammu and Kashmir—accounts of which members of the Security Council must have read—cannot be defensive action, as I have already indicated. I should like to read out what appeared in *The New York Times* today, 6 September, both in the news report and under the caption "Quotation of the Day". This is what General Mohammad Musa, Commander in Chief of the Pakistan Army, said to his troops on their success against Indian forces on the Indian side of the cease-fire line : "You have got your teeth into him. Bite deeper and deepur until he is destroyed. And destroy, him you will, God willing." Even God is brought into this. These are not the words of a Commander who is engaged in defensive action. This is cold-blooded aggression. They want to destroy us. They want to defeat our armies. They want to annex our territory. And surely it is up to us, it is our duty, it is our right, to defend our territory by all means at our disposal.

Pakistan has, by its actions, converted and transformed this whole business into the realm of military action. What we have had to exercise is defensive military action because we have got to strike at the bases from where this attack has been launched and from where they expect to wreak destruction on us.

I shall content myself with these observations. I am most grateful to you, Mr. President, for having given me this time, and I hope that you will permit me to speak again if circumstances should necessitate it.

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*205. Text of the speech made by Mr. Chagla (India) in the Security Council meeting No. 1239 held on 17 September 1965.*

We are meeting here this morning under very distressing and tragic circumstances. Fighting is going on between two neighbouring countries. I assure you that, as far as we are concerned, we have the friendliest and most cordial relations with the people of Pakistan. Although President Ayub Khan has said that we are at war, our Prime Minister more than once has stressed the fact that there is no war between the two countries and that we do not want to be at war with Pakistan.

This is a peculiar tragedy for our country. We have always stood for peace. We are wedded to the cause of peace. Our great leader, Mahatma Gandhi, gave the message of non-violence and peace to the whole world, and it is sad that we should be involved in this war. But Mahatma Gandhi also said that a country must defend itself against aggression, that a country must have self-respect and dignity; if a country loses dignity and self-respect, that country ceases to exist. I assure you that this particular conflict that is going on is a conflict not of our making. If we have to resist with arms Pakistan's aggression, it is purely for the purpose of self-defence.

As I have said, war is opposed to our basic philosophy. We realize the horrors and devastation of a war. A war makes no distinction between combatants and non-combatants, between the innocent and the guilty. War means to us a threat to our economic progress. We are fighting a tremendous war against poverty and ignorance. As Minister of Education, I know what the war against ignorance means, and we do not want to be stopped or deterred from carrying on that war. Therefore, we do not want to divert either our attention or our resources from our primary purpose, which is to raise the level of standards of living of our people.

Now I hope to satisfy you that even after Pakistan's aggression every step that we have taken has been in self-defence. Our reply to Pakistan has not been offensive; it has been purely defensive. I also want to point out to the Council that we

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have done our best to prevent the escalation of this war. And may I now point out that it was Pakistan which for the first time used field artillery; it was Pakistan that used tanks with air cover : it was Pakistan that started the bombing of cities; it was Pakistan that started the dropping of paratroops; it was Pakistan that used its navy to bomb one of our seaports, while we have not used our navy at all.

The basic question which this Council faces and which it must answer and resolve is : Who is the aggressor ? Who has committed aggression ? I ask the Council not to shirk giving a reply to that question.

I think that on the records of this Council it has been established beyond any doubt that in this particular conflict aggression was committed by Pakistan upon our territory. May I first of all refer to paragraph 6 of the Secretary-General's report [S/6651] of 3 September 1965 :

> "General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease-fire line from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations observers, in the light of the extensiveness and character of the raiding activities and their proximity to the cease-fire line, even though in most cases the actual identity of those engaging in the armed attacks on the Indian side of the line and their actual crossing of it could not be verified by direct observation or evidence."

Therefore, we have here a finding of the Secretary-General, based upon first-hand information from General Nimmo, that this conflict stated on 5 August with armed men from the Pakistan side invading our country. I cannot understand or imagine how there could be a clearer finding of aggression than we have here.

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It is important to note that resolution 210 (1965) also mentions the date of 5 August. That, to our minds, is the crucial date, and the Council has to apply its mind to that date. What happened on that date? What happened on that date was that Pakistan invaded India. Kashmir is a part of India and the invasion of Kashmir was an invasion of India and aggression on Kashmir was aggression on India.

But we have other evidence of Pakistan's complicity and the support that Pakistan has been giving to these infiltrators. May I read out a few quotations.

President Ayub Khan in a broadcast on 1 September 1965 said :

> "How can she"—India, that is—"blame anyone from *Azad* Kashmir"—they call it *Azad* Kashmir, we call it the part of Kashmir unlawfully occupied by Pakistan—"or, for that matter, from any part of Pakistan, for going to the assistance of these brave people ?"

I ask you to mark "any part of Pakistan". So that here is a statement from the Head of State asking how India can expect any part of Pakistan not to help these so—called brave people—and I shall deal with these brave people presently—who have invaded India.

Then Mr. Bhutto, the Foreign Minister of Pakistan, said this on 13 July 1965 in the National Assembly :

> "Circumstances and conditions have been the most eloquent compulsion to action—what was valid, proper and realistic yesterday need not be valid, proper and realistic today."

So that the Foreign Minister of Pakistan moulds his policy not according to law, not according to international morality, but according to circumstances and conditions.

Then we have this from the *Morning News* of Karachi, 20 August :

> "Mr. Bhutto told reporters that the cease-fire line,

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> which India describes as an unshakable boundary, is a temporary arrangement. It could very well have been drawn further down inside occupied Kashmir."

This in his respect for the resolution by which the cease-fire line was established. According to Mr. Bhutto, it is a temporary arrangement; it could be changed, it could be altered, it could be modified to suit Mr. Bhutto's pleasure.

Then something more. The *Morning News* of Karachi of 19 August quoted a statement by the Central Home and Kashmir Affairs Minister, Chaudhuri Ali Akbar, under the headline "Kashmiris Free to Cross Line, Pakistan Will Help Freedom Fighters". To call these people "freedom fighters" causes me to say: What sins are committed in thy name, Freedom; Abolt *Azad* Kashmir. this Minister said: "Who can question their right to go to their help ? They have to be there." And about Pakistan's help he said: "The freedom fighters will not find Pakistan wanting in the hour of need."

In this connexion I should have quoted one more passage from paragraph 9 of the Secretary-General's report to which I referred earlier, where he gives his finding with regard to the cease-fire line :

> "I have not obtained from the Government of Pakistan any assurance that the cease-fire and the cease-fire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line. I did receive assurance from the Government of India, conveyed orally by its representative to the United Nations, that India would act with restraint with regard to any retaliatory acts and will respect the cease-fire agreement and the cease-fire line if Pakistan does likewise."

While we were prepared to honour our international obligation to respect the cease-fire line, Pakistan informed the United Nations representative that it was not prepared to do so.

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As regards the support by Pakistan for what has been happening in this invasion mounted by it on our territory, I do not want to weary this Council with a great number of facts and details. I must respect the patience of this Council; I know how anxious it is to come to some conclusion. But there are certain facts to which I must refer.

On 8 June 1965 the Pakistan Government issued an ordinance entitled "The Pakistan Mujahids Force Ordnance". The Mujahids are supposed to be freedom fighters. In this connexion the *Pakistan Times* of 12 June wrote :

> "Pakistan will now have a regularly constituted Mujahids force"—these are the people who have invaded India—"with a rank structure similar to that of the army, according to a Press release of the Inter-Service Public Relations Directorate. It will have commanding officers, junior commissioned officers, non-commissioned officers and other ranks. The Mujahids, for certain local purposes, will be deemed part of the Pakistan army and will be be treated on a par with army personnel of the corresponding rank."

Thus there is no ambiguity as to the situation. These 4,000 to 5,000 people who invaded our country on 5 August were really part and parcel of the regular Pakistan Army. They may have come in civilian garb or they may have come dressed in any manner they liked, but the fact remains that they were part of the regular Pakistan forces.

It is very interesting to note that the head-quarters for the training of the infiltrators was located near Murree in West Pakistan, under the command of Lieutenant-General Akhtar Hussain Malik, General Officer Commanding the 12th Infantry Division of Pakistan. This organization is known as Headquarters "Gibraltar Force". I do not know why they chose the name "Gibraltar", but, after all, a person is entitled to adopt any name he chooses. All commanders connected with Operation Gibraltar were summoned to Murree during the second week of July 1965. President Ayub Khan of Pakistan addressed

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them personally to explain to them their task of creating confusion and chaos in Jammu and Kashmir. Then these infiltrators were organized into eight forces, each of them composed of six companies of 110 men each. In most cases they are commanded by regular Pakistani army officers of the rank of major, while the platoon commanders are either junior commissioned officers or senior non-commissioned officers.

The Indian Security Forces have captured vast quantities of arms and ammunition seized from these infiltrators. Some of the arms and ammunition captured from the infiltrators bear the marking POF, that is, Pakistan Ordnance Factories. Two of the captured officers held emergency commissions in the Pakistan army.

I have photographs here; I could also bring arms here to satisfy you that they were manufactured in Pakistan. These infiltrators carried radio sets so that they were in communication with Pakistan Headquarters. There cannot be the slightest doubt of this. No judge—and I appeal to you, Mr. President—can on this evidence come to fail to the conclusion that on 5 August a regular invasion of India was mounted by Pakistan and that these infiltrators were backed and supported by Pakistan; they were supported by them.

What is the utility of this Council if it will not condemn aggression on these facts? If you are satisfied—and I ask you to say that you are satisfied—to respect the Secretary-General's report and if you are satisfied that aggression was committed by Pakistan on 5 August, I say that it is your duty to condemn this aggression. Otherwise, international law has no meaning and international society cannot exist. Not only must this aggression be condemned, but also Pakistan must be asked to vacate this aggression. An aggressor cannot get away with the fruits of his aggression. I beg you: do not equate the aggressor and the victim, do not bracket them together. *My one objection to resolutions 209 (1965)* and 210 (1965) of 4 and 6 September, if I may say so with respect to the Security Council, is that both India and Pakistan are treated alike, that both of them are called upon to do something without distinguishing in any way

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whatsoever the role played by Pakistan and the role played by India.

I hear certain nations talking of impartiality, that they must be impartial between India and Pakistan. Mr. President, you have been a judge, I have been a judge for seventeen years. Where I have two parties before me, I am not impartial: I have to reveal my judgement; I have got to say who is right and who is wrong. A judge cannot afford to be impartial. When two parties appear before a judge, he has to decide. You are the judges, and I think that it is wrong for the Security Council to say that it is going to be impartial as between India and Pakistan. It is an entirely wrong attitude, a weak attitude; it is an attitude which will completely destroy the utility of this Council. If you have no evidence, you may withhold judgement or reserve it. But when you have this statement of the Secretary-General, when you have the evidence that I have produced, how can this Council say "We will bracket the two countries together, we will be impartial, we will not pass judgement"? I think that the time has come when the Council must call a spade a spade. The Security Council has hesitated too often in doing this. But there are times in history—and this is one of them; as I develop my argument I will satisfy you that we have reached the watershed of history—when the Security Council must call a spade a spade.

What was the grand design of Pakistan? Let me explain it to you. When it sent these 4,000 or 5 000 infiltrators or invadors or armed men—call them what you like—Pakistan expected that there would be an uprising in Kashmir. They thought that the large Muslim majority in Kashmir would support them and that Kashmir would fall into their mouth like a ripe plum. What happened? The whole of Kashmir stood firmly behind the constituted Government of that State and behind the Government of India. Kashmir is proud of its traditions of a multi-racial society, just as India is. In Kashmir we have Muslims, Hindus, Sikhs, Buddhists and Christians. All of them stood firm and resisted this aggression. They handed over the infiltrators to the Government and to the security forces, and this grand design of Pakistan failed. Having failed in that,

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Pakistan started an attack in force with its regular army. That was the attack in the Chhamb sector. You are perhaps not familiar with the map of Kashmir; but may I explain that the Chhamb sector is a very crucial one in Kashmir; it contains our lifeline, our lines of communication to our Army on the cease-fire line and also communication to the army that is facing China in Ladakh and trying to meet that menace. Their entry in this particular sector of Kashmir was for the purpose of destroying our lifeline so that we should be crippled both with regard to our army on the cease-fire line and to our defence against China.

Pakistan's other objective was to make this a religious war. We are living in the modern age. We have learned to understand that religion is something personal and intimate. It is your contacts with your Creator. It is your attempt to understand the inscrutable mystery of existence. We do not wear our religion on our sleeves now. We do not ostenatiously brandish it in the face of people. But I am sorry to say that Pakistan is still in the mediaeval age.

The idea was that not only the people of Kashmir but the 50 million Muslims in India would support Kashmir and that there would be communal trouble in India.

There are 2 million Muslims in Kashmir but there are 50 million Muslims in India. India—some of the members do not realize this—is the third largest Muslim country in the world. These Muslim brothers of ours, fellow citizens of ours, live in perfect satisfaction with all the rights that the majority community enjoys under our Constitution. They have all the fundamental rights. We are a secular State. But Pakistan does not like this because it is a theocratic State ; it is a religious State. To Pakistan religion is the basis of citizenship. To us religion is not the basis of citizenship. This argunment will appeal to my friends from the Middle East and from other parts of the world where people of different religions live together as nationals.

There is one good thing about Mr. Bhutto ; he lends himself to quotations. may I quote him again, on this ques-

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tion of religious war. This is what Mr. Bhutto said in his broadcast of 3 September 1965 :

> "Let India not be complacent in waging war in Kashmir. Let them not disregard the lessons of history. Let them not forget that if Pakistanis have hitherto shown the patience of a Solomon, they are also the descendants of the heroic soliders of Islam who have never showed any hesitation in laying down their lives in defence of their honour and the pursuit of jutice".

Why "heroic soldiers Islam"? Are they fighting a war of Islam? It is an insult to Islam to suggest that Islam is intolerant or that Islam belives in wars and conflicts.

Then Mr. Bhutto said the following at an Independence Day civic reception at Larkana on 14. August :

> "India is known as a country believing in threats alone...I want to tell Mr. Shastri and India that after all justice is sure to prevail. We are not alone in this. Our religion is spreading all over the world".

Again the appeal is a religious appeal. The Council will realize the danger of this. There are 50 million Muslims living in India in peace and amity, in friendship and concord, with other communities. The whole attempt of Pakistan was to disrupt this unity, to bring about communal discord and then to appeal to this Council, or to the world, by saying : You see, Indians treat their minorities badly.

I told the Council that our action against Pakistan was purely defensive, and let me slightly elaborate this. What happened ? They sent in these infiltrators on 5 August. How did we react ? All that we did was to cross the cease-fire line in order to prevent more infiltrators from coming into Kashmir. It was a purely defensive action. Then when they attacked us at Chhamb with their regular forces, as I told the Council, we had to cross into the Punjab, into Pakistan, in order to prevent these forces from being further strengthened and our lifeline from being destroyed. That again was a defensive action.

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Now I want to draw the Council's attention to something which is very interesting. think it was Max Beerbohm who said that history does not repeat itself : historians repeat themselves. But in this case history has repeated itself ; I do not know whether historians are going to repeat themselves or not.

There is a close similarity between this invasion by Pakistan of Kashmir and of India and what happened in 1947 and 1948. If one looks at the record, one will find—and it is a matter of record ; I am not speaking outside the record—that Pakistan raiders invaded Kashmir and that Pakistan denied any complicity with these raiders. They said : We have nothing to do with it. Ultimately, Muhammad Zafrulla Khan—no less a person than Muhammad Zafrulla Khan, who is now a member of the International Court of Justice—agreed and admitted that Pakistan had armed the tribesmen to invade Kashmir.

This is exactly what is happening now. But the similarity does not end there. We have a gruesome history of what the tribesmen did to Kashmir and the people of Kashmir in 1947 and 1948, and there is a repetion this time. People have been killed ; they have been tortured ; mosques have been desecrated ; mosques have been bombed and cruelty has been practised of a sort which it is difficult to believe can be done in modern times. It almost goes back to the days of Hitler, when such things were possible. But I thought we had outlived the days of Hitler.

To show what happened in 1947, may I quote a statement by Sheikh Abdullah—as reported in *The Hindustan Times* of 18 November 1947—which I also quoted when I spoke before this Council on 7 May 1964 :

> "These raders abducted women, massacred children, they looted everythnig and everyone, they even dishonured the Holy Koran and converted mosques into brothels, and today every Kashmiri loathes the invading tribesmen and the archinspirators who have been responsible for such horrors in a land which is peopled with an overwhelming majority of Muslims." [1113th meenting, para. 21.]

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On 7 September *The Times* of London, which is not known for its pro-Indian policy, published a photograph of a mosque in Kashmir bombed by these infiltrators. These are the protagonists Islam ; these are the brave soldiers of Islam who are going to the rescue of the majority of Muslims in Kashmir.

No country, under these circumstances, could have done more than India has done to come to a friendly settlement with Pakistan. We have extended the hand of friendship ; it has been rejected. We have made overtures ; we have been rebuffed. Now let me give the Council a short resume of what we have been trying to do.

First and foremost, as far back as 1950, our late Prime Minister asked Pakistan to enter inter into a no-war declaration. We said : Look, before 1947 we were one country : we are brothers ; ethnologically, racially and culturally we are one ; it would be a horrible thing to contemplate a war between our two countries ; let us enter into a no war declaration.

What was the response ? It was : No. From 1950 onwards we have repeated this offer: We have said : we shall not go to war with you, and you must not go to war with us; if we have differences we shall settle them in a peaceful manner.

Why has Pakistan refused to enter into this no-war declaration ? I shall give you the reason. It is because she had a guilty mind : because she knew that when the proper time came, she would not hesitate to attack India. Now we know for a fact the reason for her not entering into this no-war declaration.

But this is not the only thing we have done. We agreed to have talks with Pakistan. We agreed to have a meeting of the Home Ministers of the two countries in April 1964. That meeting was adjourned. We continued to remind Pakistan of the need to have another meeting. After continuous pressure from India, the Government of Pakistan agreed to hold a conference on 23 November 1964 in Karachi. However, about

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ten days before the meeting was due to take place, the Government of Pakistan unilaterally postponed the conference indefinitely.

In October 1963, the United Nations Chief Military Observer decided to give awards against even civilians if they were found to commit breaches of the cease-fire agreement. The Government of India accepted this decision. The Government of Pakistan rejected it.

In 1964, the Chief Military observer proposed a meeting between the military representatives of India and Pakistan to consider the problems arising out of the violations of the cease-fire line by armed civilians. India accepted the proposal, but Pakistan-rejected it.

In early 1965, the Chief Military Observer renewed his proposal. India accepted it, but Pakistan rejected it again.

In July 1964, India proposed a gentleman's agreement to restore tranquillity along the cease-fire line. When Pakistan failed to respond, India repeated this offer—this is found in the letter of 21 August 1964 from the representative of India to the President of the Security Council [S/5911]. At this stage, Pakistan accepted the proposal, and a meeting was fixed for 2 November in Karachi. Two days before the Indian delegation was due to leave for Karachi, the Pakistan Government unilaterally postponed the meeting for an indefinite period, and the meeting has never taken place.

What happened in the Rann of Kutch ? I should like to say that this is the third invasion by Pakistan of India. The first was 1947-1948 when Pakistan attacked Kashmir, which legally and constitutionally was part of India: the second was the aggression committed in the Rann of Kutch; and this is the third invasion. With regard to the Rann of Kutch, thanks to the intervention of the Prime Minister of the United Kingdom, We agreed to a truce and to certain cease-fire terms. I would like to draw the attention of members to the preamble of that agreement; "in the confidence that this will also contribute

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to a reduction of the present tension along the entire Indo-Pakistan border...". While this agreement was being negotiated and before the ink was dry, Pakistan was plotting and planning to invade India.

I would like to come now to our response to the mission of the Secretary-General. May I in the first place express my appreciation of the very strenuous and difficult task that he has undertaken. I remember that I came here on the day the Secretary-General was leaving. I saw him, wished him godspeed and told him that he would be most welcome in my country. I hope the Secretary-General will not misunderstand me, but there is a passage in his preliminary report with which I must quarrel: I do not think it is fair to my country, nor does it correctly represent what really happened in India and in Pakistan. I quote from the message of 15 September from the Secretary-General:

> "The replies from both Governments to my message of 12 September have shown clearly the desire of both for a cease-fire, but both pose conditions which make the acceptance of a cease-fire very difficult for the other side. For this reason, to my profound regret, it has so far been impossible to obtain a cease-fire as required by the Security Council resolutions of 4 and 6 September. [S/6683, para. 31].

I wish to state that whereas President Ayub Khan posed conditions with regard to the cease-fire, we posed no conditions whatever. We accepted the cease-fire unconditionally. I have the greatest respect for the Secretary-General and for his objectivity and impartiality, but I am really surprised at how he came to make a statement like this in the face of the letters which appear in his report. Let me read them out.

Let me first quote from the letter of the Prime Minister of India dated 14 September:

> "In deference to the wishes of the Security Council and to the appeals which we have received from many

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friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 0.30 a.m., standard time, on Thursday, 16 September 1965, provided you confirm to my by 9 a.m. to-morrow that Pakistan is also agreeable to do so." [Ibid., para. 8.]

In his letter of 15 September, this is what he wrote :

"I reaffirm my willingness, as communicated, to order a simple cease-fire and cessation of hostilities as proposed by you, as soon as you are able to confirm to me that the Government of Pakistan has agreed to do so as well. The actual time when the cease-fire would become effective would depend upon the time when you are able to convey to me the agreement of the Government of Pakistan to a cease-fire." [Ibid., para. 11.]

Does this mean that we were imposing conditions? What is the meaning of a simple cease-fire? I do not want to weary the members of the Council on this point, because it would take up too much ttme. It is quite clear from the whole tenor of the letters of my country's Prime Minister that he was prepared to accept an unconditional cease-fire. This is what the Security Council wanted, and we complied with the request of the Security Council.

Now let us see the reply of President Ayub Khan. He stated :

"I am fully conscious of the gravity of the present situation and also of the dangers implicity in the catastrophe that threatens to engulf the subcontinent particularly because of the certainty that as time goes on the present conflict would be bound to assume graver and wider dimensions."

"However a cease-fire can be meaningful only if it is followed by such steps as would lead to a durable and

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honourable settlement in order to preclude the recurrence of a catastrophe such as now threatens the subcontinent. To bring about such a settlement, it would be necesary to evolve an effective machinery and procedure that would lead to a final settlement of the Kashmir dispute." [*Ibid.*, para. 14.]

President Ayub Khan is posing a precondition that there must be machinery in the cease-fire agreement, or a cease-fire itself, which would lead to a final settlement of the Kashmir dispute.

There is another point. The Secretary-General suggested—and he has made the point here also—that President. Ayub Khan and the Prime Minister of India should meet and discuss their differences. It requires two to constitute a meeting. There cannot be a meeting with one person. What is the reply of President Ayub Khan ? It is very revealing :

"While we are agreeable in principle to stop fighting I should like to point out that despite our most earnest efforts, the Ministerial level talks that followed the 1962 agreement proved barren and abortive in face of a firm refusal by India to arrive at an honourable settlement of the Kashmir dispute. On the other hand, India let loose a reign of terror, repression in the State and proceeded to adopt measures to 'integrate' the State of Jammu and Kashmir in the Indian Union. In adopting these measures India showed once again that it has no regard for its own solemn agreements and treats them merely as scraps of paper whenever it suits India." [*Ibid.*, para. 14.]

I am not dealing with that now. Therefore, there is a clear refusal on the part of President Ayub Khan to meet the Prime Minister of my country. He says that the last effort was "barren' and "abortive". Again, I am not going into that history. We had six rounds of talks, and the meeting was broken up by Pakistan. But this is the response of President Ayub to the

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Secretary-General's suggestion that the two leaders should meet and bring about a settlement.

The date of this reply of President Ayub Khan is very significant. Whereas the Prime Minister of India replied immediately, President Ayub Khan took some time—and that was deliberate. Members of the Security Council are aware of the news that was released in this country yesterday, 16 September namely, that China has given us an ultimatum, which expire, within three days, that if we do not carry out China's demands serious consequences will follow. It was only when President Ayub Khan was assured of this that this reply was sent. This intractable and intransigent attitude is due to the fact that he s expected support from China. He wants India to fight on two fronts. While we are facing Pakistan in the direction of the Punjab, he wants China to stab us in the back. If ever a complicity was established between those two countries, it is this. The timing of the ultimatum and the timing of the reply of President Ayub Khan is not merely a coincidence. It has grave and serious implications. We are now threatened by an invasion from China.

It is sad that that Pakistan should be taking this attitude with the help of the arms supplied to Pakistan by the United States not for the purpose of fighting India but for the purpose of meeting the Chinese menace. I have three statements here. The first is from no less a person than President Eisenhower; it is dated 24 Ferbuary 1954 :

> "What we are proposing to do, and what Pakistan is agreeing to, is not directed in any way against India, and I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression, I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the United Nations to thwart such aggression."

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This is what Mr. Bunker, who was then the Ambassador to India, said in November 1957 :

> "If Pakistan uses American arms against India for aggressive purposes, she will forfeit our assistance and we will be on the side of India."

Secretary of State John Foster Dulles, who was, as you know, not very friendly to us in those days, said in 1956 :

> "I think there can be every confidence on the part of India now that there will be no use of those armaments in any aggressive way against India. Certainly Pakistan knows that if that should happen there would be a quick end to its good relations with the United States. On the contrary, under the principles of the United Nations Charter, the United States would be supporting India if it became victim of any armed aggression."

I ask the United States : Is the United States going to permit Pakistan to commit a breach of faith with it, and also make it possible for a breach of faith to be committed by the United States with India ? These are not ordinary people giving us assurances. These are assurances by the President of the United States, by the Ambassador of the United States and by the Secretary of State of the United States. Today we have this extraordinary situation that Pakistan is fighting us with Patton tanks with arms which Pakistan received from the United States, and Pakistan is going to fight us in collaboration with a country which the United States considers to be its number one enemy. Therefore, American arms are going to be used to destroy a country which is friendly to the United States.

Therefore, my short submission is that whereas our response to the Secretary-General's mission and the resolutions of the Security Council calling for a cease-fire has been positive, constructive and unequivocal, the response of Pakistan has been obstructive and non-co-operative.

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Let us look at the conditions that Pakistan has laid down for the cease-fire. There are four conditions. The first is, a cease-fire—of course, it wants a cease-fire. The second is withdrawal of all troops from Kashmir. This is an extraordinary condition. I am not going into the Kashmir question. If I may say so, the Security Council should confine itself to the simple question of the cessation of the conflict and mix up the political issue with this issue in this juncture. We have time enough for that when the fighting has stopped. But I want to say this about the withdrawal of all troops from Kashmir. Under the resolution of 13 August 1948 or the United Nations Commission for India and Pakistan, we are entitled to have troops in Kashmir, and Pakistan had agreed to withdraw all its troops from that part of Pakistan which it occupies.

Paragraph 1 of part II, A, of the resolution reads as follows :

> "As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State."

That was in 1948. We are in 1965 and the troops still remain. Not only do they remain, but they are used to invade us, to attack us, to commit inhuman cruelties upon the citizens of Kashmir

Part II, B, of the resolution relates to India and in paragraph 2 it is stated that :

> "Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order."

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Therefore, we are responsible for law, order, security and defence of Kashmir.

Kashmir is an integral part of India. It is a member of the Indian Federation, and it is as much our duty, our responsibility and our privilege to defend Kashmir and look after its law and order as it would be if it was Calcutta, or Bombay, or Delhi, or any other part of India.

And what is the demand ? When analysed, it means this. All troops should be withdrawn. That means that we have got the legal right, the constitutional right to have troops in Kashmir for its defence and security, but we must withdraw them before the great country of Pakistan will condescend to talk with us or to accept a cease-fire.

The third condition is induction of an Afro-Asian force. We are entirely opposed to this proposal. We do not want any foreign troops in our country, on our soil. We can look after the interests of our people ourselves. We know how to defend ourselves, and we will never agree to any foreign troops being inducted into our country.

Finally—and this is the most extraordinary condition of all—a plebiscite within three months. I have said that these conditions are impossible and preposterous. But let me deal with this last one : a plebiscite within three months. Again, I am not going into the political history of Kashmir. I said on the last occasion—and I stand by that—that under no circumstances will India hold a plebiscite. Kashmir is an integral part of India and we do not hold plebscites in every part of the country. You, Mr. President, would not agree to hold a plebiscite in New Mexico, or Texas, or Alaska ; and this would apply to many other countries that I could mention. But, apart from that, it is for the Security Council ultimately to decide whether a plebiscite should be held or not. But Pakistan decides, and it wants a plebiscite at the point of the gun, at the point of the bayonet. The argument is this : we

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have invaded Kashmir: now hold a plebscite within there months.

I could understand Pakistans's coming to this Council—after all, Kashmir is still on the agenda of the Council—and pleading its case. But no, Pakistan does not believe in going to international forums. I think that Mr. Bhutto said that he had lost his patience and that he was prepared to fight for a thousand years in order to get Kashmir. But this shows how impossible a condition has been laid down by President Ayub Khan before we can have a cease-fire.

Now may I add that this is not merely a conflict between India and Pakistan: it has much wider significance. The first significance is that the threat and menace of China looms large behind this war. It is much more than merely looming now; it has almost come to a concrete shape after yesterday's ultimatum. And I charge Pakistan with having launched upon this fight with India in the hope and expectation that China will be be behind it and support it.

Then, this is a war between two ideologies. Let us face it. On the one hand, there is the religious State; and on the other, the secular State. This is the conflict; it is not Kashmir. Kashmir is merely the symptom; it is not the disease. The disease is that Pakistan believes in a religious State; it believes in religion as the nexus between citizens. We believe in a secular State, in a multiracial society. And it is also a fight between a free society and democratic institutions, on the one hand, and dictatorship and regimentation on the other. These are the issues involved in this war. And I think, if I may say so, that it is in the interests of Asia and the world that our free society, our multi-communal federation should survive.

The attack on Kashmir is an attack for the purpose of breaking up our federation, of breaking up our way of life, of preventing us from carrying on our great experiment of men of different religions and different languages living peacefully together. Mr. President, the same experiment is being tried in your country, the United States, and other countries are trying

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it. But Pakistan does not want it ; it does not believe in it and wants to break it up.

What we are defending today is not merely the territorial integrity of our country—which is important enough. What we are defending today is the existence of a free democratic nation. We want to function as a free, democratic nation. It is the threat to our institutions that we are resisting.

Finally, I charge Pakistan with aggression. Aggression began in 1947 against Kashmir and continue today. It is a continuing aggression. The Secretary-General's reports show that Pakistan does not wish to renounce aggression as an instrument of its policy, and Pakistan has been allowed to enjoy the fruits of aggression and even permitted to made common cause with China.

And I charge Pakistan with refusing to comply with the resolution of the United Nations Commission for India and Pakistan.

I ask that in the resolution which the Council ultimately will be pleased to adopt it will note that whereas we have unconditionally accepted a cease-fire, Pakistan has refused to do so. The action which I suggest that the Security Council should take is that it must brand Pakistan as an aggressor, and it must insist on Pakistan's compliance with the resolution.

May I deal now with the report of the Secretary-General which he has read out and which I have had a short time to read. The Secretary-General suggested that the Security Council "could order the two Governments concerned, pursuant to Article 40 of the Charter of the United Notions, to desist from further hostile military action and to this end to issue cease-fire orders to their military forces" [see para. 20 above].

Why two Governments ? Why again bracket India and Pakistan together ? We have not said no. Why do you say you should call upon India and Pakistan to desist from taking hostile action ? I have read out the letter of the Prime Minister of India. Why this constant attempt at

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bracketing India and Pakistan together, coupling them together, putting them on the same footing ?

The Secretary-General went on to say."...the Council might also declare that failure by the Governments concerned to comply with this order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter."

I say that the Council must call upon Pakistan to desist from carrying out hostilities, and I ask it, under Article 39 of the Charter, to which the Secretary-General referred, not to declare that there is a breach of the peace, but to determine—and the Security Council has the authority to "determine the existence of any threat to the peace, breach of the peace, or act of aggression"—the existence of act of aggression on the part of Pakistan.

With regard to the second suggestion reading as follow : "...the Security Council may wish to consider what assistance it might provide in ensuring the observance of the case-fire" [see para. 21 above], after the cease-fire has taken place, and if we wish for any assistance from the Security Council, we will certainly ask for it.

The third suggestion reads as follows : "...the Security Council resolution 210 (1965) of 6 September also calls for a prompt withdrawal of all armed personnel to the positions held by them before 5 August 1965, and the Council may wish to study means of assisting in the carrying out of this requirement." [see para. 22 above]

This deals with the modality of the cease-fire. I do not want to deal with this in detail, but may I say this. All the invaders who have entered Kashmir must leave. They must be withdrawn. They must be called back. Just as they were sent by Pakistan, they must be called back by Pakistan. Secondly, it must be made impossible for such infiltration to take place again. Thirdly, Pakistan must own up to its responsibility for these infiltrations.

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The fourth suggestion is :..."the Council could request the two Heads of Government to meet together at the earliest possible time" [see para. 23 above] I have already dealt with that. As I have said it requires two to constitute a meeting. We are always prepared to talk with anyone. Debate and discussion are the life-blood of democracy. We have never said no to talks with anybody, but talks must have a purpose. There must be a basis for a talk. While this conflict is going on it is impossible to suggest that the two leaders can meet. Once there is a basis for talks, I hope the Head ot the Pakistan State will agree to meet with the Prime Minister of India, and I am sure that the response of our Prime Minister will not be uncooperative.

Finally, the Secretary-General declared : "... I may again assure the Council of my availability and of my desire to continue to be of assistance in this matter in any way which may commend itself to the Council and to the two Governments" [see para. 20 above].

The Secretary-General is always welcome in our country. As I have said before, we have great respect and great regard for him personally and as the executive of this great Organization. Today he is the greatest international servant in the world. I know his desire for bringing about peace, and whenever he wants to come to our country he will be welcome. Whatever assistance we can give him for restoring peace will always be available.

I am very grateful for the patient hearing I have been given. I am afraid I have been longer than I expected, but the cause for which we are fighting is so important that I had to present India's case in full detail.

I agree with the Secretary-General that a great responsibility is placed upon the Security Council. I think this is a test of the Security Council. Is it going to meet the challenge ? If international society is to function, the Security Council must answer the challenge. I therefore say : come to a decision, come to conclusion, arrive at a judgemennt, and do not hesitate to deliver the judgement.

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206. *Text of the speech made by Mr. Mohammd Zafar (Pakistan) in the Security Council meeting No 1240 held on 18 September 1965.*

Pakistan is concerned over the seriousness of the situation in the sub-continent and shares with the other nations the apprehension that, if war continues, it may engulf millions living in India and Pakistan. In view of the gravity of the present conflict, my Government suggested to the Secretary-General, when he came to Pakistan, that the following actions need to be taken: first, there should be a cease-fire with immediate effect; scecond, immediately thereafter the forces of both India and Pakistan should withdraw completely from the disputed area of Jammu and Kashmir, including the territory called *Azad* Kashmir; third, a United Nations force should take over the security function-in the state; and fourth, within three months of the cease-fire a Plebiscite should be conducted in the State, under the auspiecs of the United Nations, to ascertain the wishes of the people of Jammu and Kashmir on the question of accession of their State to India or Pakistan. Pakistan believes that this is the only way in which peace can permanently return to the subcontinent. There is no other way. I intend today to enlarge on this subject and indicate why Pakistan has suggested these measures. The reason is that peace can be achieved only through the enforcement of these measures. I believe that the purpose of Security Council resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965 respectively, the purpose of the mission under taken by the Secretary-General, and the objectives of this meeting of the Security Council are to find ways and means to attain lasting peace.

As I shall be disagreeing with some of the observations made by the Secretary-General, I wish to say at once that, any disagreement apart, the Government and the people of Pakistan have the warmest regard for the Secretary-General and high appreciation for his dedication to the cause of peace. As for myself, I have particular regard for him because in the short period of time that I travelled with him from Beirut

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to Rawalpindi—and this was my first meeting with the Secretary General I found him to be a man of high ideals and of sincerity of purpose.

May I now proceed to discuss the proposals made by Pakistan. I shall take them one by one to explain why we are urging the Security Council to take a decision in accord with those suggestions. First, Pakistan stands for an immediate cease-fire. This is what the Security Council has proposed.

Pakistan stands for a cease-fire because it believes in peaceful coexistence with India. We expected the two countries to coexist in peace like Canada and the United States, or like Sweden and Norway. We do not want any war with India. We are a smaller country both in area and population. India has nearly a million men under arms, four times as many as Pakistan. India has inherited from the United Kingdom, and has recently acquired from the United States, the USSR and other foreign Powers, a large defence production capacity of its own. Pakistan has in the main to rely for its defence supplies on foreign Powers.

Our main efforts have been devoted towards economic development. With hard and sustained effort, we have made substantial progress, but we need many more years to reach our economic goals. And for that we need peace. How can we afford a war ? We neither started the war nor do we want it to continue. Therefore we suggested, as the first proposal, that there should be a cease-fire.

The second step proposed by us is that there should be immediate withdrawal of the forces of both India and Pakistan from the entire territory of Jammu and Kashmir. The reasons for this proposal are well known to the members of the Security Council and to the world. They stem from the following facts : first, the salient facts of the Kashmir dispute and the resolutions of the United Nations; and second, the extent to which the resolutions have been implemented by India and Pakistan.

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The Kashmir dispute arose when the Maharajah of Kashmir, in spite of a standstill agreement with Pakistan, under coercion by the Indian Government and during the time when his people had revolted against him and routed his forces, tried to give away the State of Jammu and Kashmir to India. But the rights of citizens are not a question of title or property which can be passed on oy one owner to the other. The people of Kashmir continued their struggle against overwhelming odds. When India failed to crush them, it brought the issue before the Security Council, in January 1948. After extensive discussion of the problem and after listening to both parties, the Security Council adopted resolultion 47 (1948) on 21 April 1948 providing for the cessation of hostilities in Jammu and Kashmir, the withdrawal of the combatants, and the holding of a free and impartial plebiscite. Subsequently, the Security Council established the United Nations Commission for India and Pakistan. The Commission visited India and Pakistan, as well as Jammu and Kashmir. After strenuous efforts extending over nearly six months, it brought about an agreement between the two countries with regard to Jammu and Kashmir. This international agreement is embodied in the Commission's resolutions dated 13 August 1948 and 5 January 1949.

Taken together, these resolutions provide for, first, a cease-fire and demarcation of cease-fire line; second, the demilitarization of the State of Jammu and Kashmir; and third, a free and impartial plebiscite conducted by the United Nations to determine the question of accession of Jammu and Kashmir to India or Pakistan.

The Commission's resolutions were endorsed by the Security Council and accepted both by India and by Pakistan. These resolutions constitute the basic international agreement with regard to Kashmir. In consequence of this agreement fighting stopped on 1 January 1949. An agreement on the demarcation of the cease-fire line was reached on 27 July 1949. Implementation of the demilitarization provisions of the Commission's resolutions was, however, obstructed by India. The

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plebiscite Administrator—designate was prevented from assuming office and holding the plebiscite. India refused to synchronize the withdrawal of the bulk of the Indian army with that of the Pakistani forcss as proposed by thr Commission. Since then, numerous attempts on the part of the Security Council and its various representatives have failed to secure an agreement on the issue of demilitarization.

There is a long history of India's refusal to implement this agreement. I could cite chapter and verse, but I am afraid it would take up too much of the time of the Council. I shall therefore only recount a few points as briefly as I can.

First, India refused to submit its plan for the withdrawal of Indian forces when the Commission convened a meeting in March 1949 asking for withdrawal plans, and thus blocked progress in demilitarization. When eventually some sort of programme was presented to the Commissi on, India insisted that it should not be disclosed to Pakistan or to the Security Council. The Commission, however, placed on record its opinion that the Indian withdrawal plan was "far from a fulfilment of India's undertaking under the terms of the 13 August resolution".

Second, to meet one of the objections raised by India, General A. G. L. Mc Naughton, as President of the Security Council for the month of December 1949, proposed to combine the two stages of demilitarization and produced a comprehensive programme providing for the withdrawal of the forces of Pakistan and India, and the reduction of the *Azad* Kashmir forces. His proposal of 22 December 1949 was accepted by Pakistan and rejected by India.

Third, by its resolution 80 (1950) of 14 March 1950, the Security Council replaced the United Nations Commission for India and Pakistan by a single mediator, and at its 471st meeting on 12 April 1950 appointed Sir Owen Dixon as United Nations Representative for India and Pakistan. In his report dated 15 September 1950 to the Security Council, Sir Owen Dixon set out his conclusion with regard to the Kashmir impasses.

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"In the end, I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character as would, in my openion, permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled."

Fourth, at its 543rd meeting on 30 April 1951, the Council appointed Mr. Frank P. Graham as United Nations Representative for India and Pakistan. He put forward several proposals to bring about the demilitarization of Kashmir preparatory to the holding of a plebiscite. The proposals of Mr. Graham were accepted by Pakistan, and again rejected by India.

Fifth, Pakistan also accepted the proposal put forward by the Commonwealth Prime Ministers at their meeting in January 1951 for the posting of a Commonwealth force in Jammu and Kashmir to facilitate the withdrawal of the armed forces of India and Pakistan. This proposal, unfortunately, was again rejected by India.

That briefly is the record of India and Pakistan with regard to the implementation of the adopted resolutions by the Commission concerning demilitarization.

The third proposal made by Pakistan is designed to create an atmosphere in which a free and impartial plebiscite could be held in Kashmir. To this end, Pakistan has suggested that the forces of India and Pakistan be completely withdrawn from the State and, in their place, a United Nations force composed of contingents from Afro-Asian countries should be inducted. This should eliminate all possibility of coercion by either side at the time of the plebiscite.

The last proposal made by Pakistan is that the plebiscite should be held within a period of three months. The reason for this proposal is stated in the letter dated 13 September 1965 from the President of of Pakistan to the Secretary-General:

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"...Pakistan is not against a cease-fire as such. In fact, in order td save the subcontinent from being engulfed in what would clearly be an appalling catastrophe, we would welcome a cease-fire. But it must be a purposeful cease-fire: one that effectively precludes that catastrophe and not merely postpones it. In other words, it should provide for a self-executing arrangement for the final settlement of the Kashmir dispute which is the root cause of the India-Pakistan conflict." [See S/6683, para 9].

It is imperative that a plebiscite should be held as quickly as possible and that the people of Kashmir be enabled to execute their right of self-determination as envisaged in the United Nations resolutions. Until this is done and a highly explosive source of conflict removed, the two countries cannot live together in harmony.

I have so far given the Council the reasons for each of the proposals which Pakistan has made. I should now like to explain why Pakistan insists that all these steps must be ordered and taken together and not separately. The stand of Pakistan is that the cease-fire should be a part of a comprehensive agreement. It is no use reverting to the same cease-fire conditions of 1949 which, instead of bringing peace to the people of Kashmir, have brought misery, suffering and war. Indeed, Pakistan is not imposing new conditions of its own. What it is suggesting is what the Security Council itself has pledged to the people of Jammu and Kashmir in the two resolutions of the Commission of 1948 and 1949. What was promised the people as a composite solution should not be splintered into ineffective fragments.

A clear issue like this should not have been confused. The representative of India must have noticed during his term of office as a judge that when a lawyer is unable to convince a judge, he tries to confuse him. Is the Minister for Education attempting to confuse the Security Council ? He has raised the question of the so-called infiltrators in order to cloud the issue

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of the Indian aggression. The case put forward by the Indian representative is that members of the Pakistan Army crossed the cease-fire line and entered Indian-occupied Kashmir on 5 August 1965. I wish to contradict this allegation categorically and to place certain facts before the Council.

First, no troops of *Azad* Kashmir or Pakistan crossed the cease-fire line until after India had made repeated thrusts and had launched a major offensive against *Azad* Kashmir.

Secondly, the area of Kashmir under the occupation of India is about 50,000 square miles, roughly equal to the total area of the United Kingdom. By India's own account, within less than forty-eight hours after the alleged crossings, action against Indian forces were taking place from one end of the occupied territory to the other. In and around Srinagar itself, pitched battles had occurred. India maintains approximately six divisions of regular troops in the territory. To this must be added some two divisions of police and militia of various kinds, bringiag the total forces at India's disposal to well over 150,000 men.

India would have the world believe that a few thousand outsiders—the figures are between 1,000 and 7,000—penetrated the barriers set up by the occupation troops and; operating amidst a hostile population, set the torch of resistance against India ablaze throughout the length and breadth of captive Kashmir. These are two basic facts which, if properly appreciated, would suffice to explode the Indian fiction.

However, I feel that we need to examine the myth in some greater detail and see how for it can stand scrutiny. It must be recalled that the original myth was that thousands—there was always a confusion about the Indian estimates of the number involved—of armed personnel entered Indian-occupied Kashmir in early August. However, later the representative of India began to talk of "armed and unarmed personnel". I refer to the message read by the representative of India in which it was stipulated that: "...'armed personnel...' must include all infiltrators from the Pakistan side of the cease-fire line, whether armed or unarmed" and furthermore that

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"the present hostilities originated with large-scale infiltrators of armed and unarmed personnel from Pakistan..." (see 1238th meeting, para. 37).

The question arises: How can any representative state that "armed personnel" should also mean "unarmed personnel"? The answer is not that India has parted with all rationality. The answer is that this utterly absurd contention is India's way of concealing the fact that those whom India calls "infiltrators" were but civilians, and a large proportion of them were unarmed. If it is kept in mind that the term "Pakistan side of the cease-fire line" denotes not Pakistan but *Azad* Kashmir, and also that the people who live on the two sides of the cease-fire line are equally Kashmiris whom this fortuitous line cannot seperate from one another, one gets a glimpse of the truth behind the Indian assertions about infiltration. The truth is that this hue and cry about infiltrators was made to give India a pretext to launch a new campaign of terror and repression against the people of Jammu and Kashmir who have risen against India's military occupation of the bulk of the State.

This truth has been testified to by the well-known Indian humanitarian, a disciple of the late Mr. Gandhi, Miss Mridula Sarabhai, who has stated that in the guise of taking action against so-called infiltrators, the Indian Army turned on the entire population of India-held Kashmir and committed atrocities upon them. The Council needs to be informed that, days before the start of hostilities, the Indian Army set fire to the entire residential distrtct of Batamaloo in Srinagar, simply because many freedom fighters lived in that district. The world Press reported this outrage, and published pictures of innocent women and children sitting outside their homes, now reduced to ashes and rubble, but little was known for a time about who had perpetrated it.

The truth can now be judged from the dispatch from Srinagar by Richard Cricthfield, published in the *Washington Star* of 1 September :

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"A question that hangs over this fabled vale like the snowy Himalayan peaks is why Indian troops are being used to silence political unrest among Kashmir's 2.5 million Muslims ?...

"Kashmiri Muslims contend that local Indian authorities have been burning homes without the full knowledge of either Prime Minister Lal Bahadur Shastri or the Indian public...

"...during the past three weeks hundreds of Kashmiri houses have been burned to the ground—about 440 in the summer capital of Srinagar alone and scores of others in from fifty to seventy villages scattered throughout the valley.

"There also are isolated eye-witness accounts of pillage, looting and rape.

"Indian officials claim Pakistani infiltrators started the fires. But both extremist and moderate Kashmiris and the victims themselves, interviewed while digging in the smouldering wreckage, claim the Indian Army was responsible.

"Mutual recriminations on who started fires aside, the practical issue is that the majority of Kashmiri people—including some Hindus and Sikhs as well as Muslims—blame the Indian Army.

"...at Magam village, ten miles outside Srinagar, I was briefly detained at the local police station after photographing some forty burned houses. An Indian police inspector refused to discuss how the blaze started.

"But in two other villages the peasants claimed Indian soldiers had put the torch to houses after first evacuating the occupants."

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This dispatch offers some other facts about the identity of these so-called infiltrators :

> "...in a secret rendezvous in the old city, I interviewed one of the guerillas whom the Indians call Pakistani infiltrators and Kashmiris themselves call mu'abids, or crusaders.
>
> "All the infiltrators', he said, 'are Kashmiris, some from the Valley and others from *Azad* Kashmir. We have Punjabis, Punchies, Kishtwaris and other Kashmiri mountain tribals..."

The words use further in the dispatch are important. "We want freedom. We are human beings. Our fight will continue until India is forced to leave this country."

I should like to quote from *The New York Times* of 15 August 1965 :

> "...the infiltrators could hardly have made their way so far from the cease-fire line—and in some cases more than forty miles—without help from the local population. The largely Muslim Kashmiris have little love for India, and there is substantial support for union with Pakistan."

India has claimed that the so-called Pakistani infiltrators must be members of the Pakistan Army or *Azad* Kashmir forces because they were armed and well trained. The fact, however, is that the Pakistan side of the cease-fire line has been under such heavy firing from the Indian forces during the last year that *Azad* Kashmir nationals, living along the cease-fire line approached the *Azad* Kashmir Government for armed protection by *Azad* Kashmir forces. They were informed that this was not a practical proposition. Alternatively, therefore, they suggested at they should be given arms to defend themselves. And these arms were therefore provided to them to defend themhlves. Most of these men, should be noted, are ex-servicemen. The people of Azad Kashmir have a long

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tradition of fighting with the armed forces. They are well-versed in the art of fighting. Some of these people may have joined the revolt in the Valley.

I now pass on to the question of aggression. When the Securi,y Council met on 6 September [1238th meeting], it had to take account of an event which, while unprecedented in the experience of the United Nations, was precisely of the nature which the Organization was founded to prevent and suppress. This was the armed attack on the territory of one Member State, Pakistan, by another, India. The aggression occurred in the early hours of Monday, 6 September, two days after the adoption by the Security Council of a resolution [209 (1965)] appealing that an end be put to the violation of the cease fire line in Kashmir. That was India's response to the Security Council's appeal for a cease-fire. My delegation cannot but deplore the fact that, in the face of this arrogant challenge to the Council, and deliberate violation of the letter and spirit of the Charter of the United Nations, the Council contented itself with describing the situation euphemistically as an "extension of the fighting", although it recognized that India's action had added "immeasurably to the seriousness of the situation".

Following the reverses suffered by the Indian Army in the Rann of Kutch, Indian leaders let it be known publicly that they would hit Pakistan at a time and place of their own choosing. The following is the direct outcome of that threat.

On 15 May—long before the so-called Pakistani infiltrators took to arms in Indian-occupied territory—India violated the cease-fire line and occupied three Pakistani posts in Kargil. That was India's first act of calculated aggression. Under pressure of the United Nations, India vacated those posts, but again on 15 August, before Pakistani forces could occupy them, India reoccupied those posts. That was done within hours of a public threat by the Indian Prime Minister that India would carry the fight to *Azad* Kashmir. The Defence Minister boasted in the Indian Legislature that "India had crossed the cease-fire line in the past and would do so again".

On 23 August the village of Awam Sharif, which lies

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clearly inside Pakistan territory, was shelled by Indian forces. Twenty-five of the inhabitants—none of whom were army personnel—were killed. On 24 August Indian forces again crossed the cease-fire line and seized two other Kashmir posts in the Tithwal sector. A few days later Indian forces again struck across the cease-fire line in the Uri-Punch sector. By the end of August they had seized a number of Pakistan posts there.

The Indian propaganda line was that they had seized the forgoing Pakistan posts with the limited objective of stopping "Pakistani infiltrators" from entering Indian-held Kashmir. This was only a trick to put Pakistan off guard and to delude the world. We had reliable information at that time that India was preparing to mount a big offensive with a view to capturing *Azad* Kashmir. This was the position which Pakistan faced on 1 September. India had committed aggression; it had reduced the cease-fire line to a nullity : it was planning to seize *Azad* Kashmir by force.

It was then that, in order to forestall further aggressive moves by Indian forces, the *Azad* Kashmir forces, backed by the Pakistan Army, crossed the cease-fire line for the first time since July 1949. They moved into the Bhimbar sector and seized Chhamb and Dewa. The same afternoon the Indian Air Force went into action against our forces in that area, thereby forcing the Pakistan Air Force to intervene. The conflict was thus further escalated by the Indian action.

Pakistan could have saved the isolated posts that India had seized in the Uri-Punch sector if only it had given air support to those small outposts which were clamouring for it. We denied them air support, preferring to lose those posts rather than be the first to add a new dimension to this conflict.

On 6 September, after the Security Council had appealed to both India and Pakistan to cease-fire, India launched a three-pronged attack against Lahore. Lahore, which is one of the most important cities of Pakistan—and I can say so with firmness because I myself am from Lahore—is situated only eighteen miles from the India-Pakistan border. The Indian leaders' threat to hit Pakistan at a place and time of their own

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choosing had thus been carried out. The aggression against *Azad* Kashmir was only a device for creating this opportunity, knowing as India did that we would be bound to react to its aggressive attacks on *Azad* Kashmir territory.

India thus carried the war to Pakistan, treacherously launching an armed attack against Pakistan territory without even a declaration of war. This attack has been contained and Indian forces have been repulsed. However, heavy fighting continues.

The sheer escalation of attack by India provides clear evidence of Indian aggression against Pakistan. India tore up the cease-fire line; and the Indian Government radio described the Indian military action to annex *Azad* Kashmir as "the war of liberation". *Time* magazine of 10 September 1965 reported as follows :

> "India became delirious with victory. News of the Indian advances was wildly cheered in (Indian) Parliament. The Government radio announced the 'liberation' of 5,000 people and the establishment of Indian civil administration in the 'liberated' areas."

And this is what the representative of India described yesterday as measures taken in self-defence.

I shall not take the Council's time with an account of the events and happenings of subsequent days. The fighting spread with a rapidity which is clearly indicative of the premeditation and planning that must have gone into the Indian attack on Pakistan. From weapon to weapon and from area to area. India has enraged the conflict in such a manner that the two countries are today in a state of general war, and Pakistan is fighting the aggression along virtually as entire border in the west.

On the very day when the Secretary-General prepared to leave for the subcontinent, in pursuance of the mandate with which he was charged by the Security Council, Indian forces opened two new fronts against Pakistan, one in the south from

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Rajasthan, and the other from occupied Kashmir into the Sialkot area.

It is not possible for me, in the time at my disposal, to give the Council a full picture of the scope and nature of the struggle in which Pakistan is today engaged. This is what a foreign observer on the scene, J. Anthony Lukas, cabled in a dispatch from New Delhi which appeared in *The New York Times*, of 9 September :

> "It is also felt that, with U Thant, the Secretary-General of the United Nations, due in Pakistan, Indian strategy may be designed to confront Pakistan with a military situation that will make them sue for peace on terms suitable to India."

"Having been attacked along its entire frontier, Pakistan is fighting to defend itself against unlimited aggression from India, which claims to be imbued with the Gandhian philosophy of non-violence. And yet the representative of India asserts that his Government has done its best to limit the war. By invading Pakistan's territory along a 600-mile front, India has spread flames of war over the subcontinent and condemned its 550 million men and women to misery and fear, has given a setback to their hopes of social and economic progress, and has revived the historic animosities and rancours which one has hoped now belonged to the past.

If the people of the subcontinent are today on the brink of a cataclysm, the responsibility, ultimate and immediate, must be placed at the door of that country which for eighteen years has rejected every suggestion, thwarted every move, frustrated every effort and barred every avenue for a just and peaceful settlement of the dispute which divides India and Pakistan.

I should like now to refer to the visit of the Secretary-General to Pakistan and India and to the reports which he has submitted to the Council. The Secretary-General's reports show that, while both Governments have agreed in principle to a cease-fire, conditions have been attached or implied with

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regard to which the Secretary-General did not feel competent to give an undertaking. He undertook, however, to bring these aspects of the replies of the two Governments to the notice of the Security Council for its urgent consideration.

We share the Secretary-General's disappointment that his valiant efforts in the cause of peace have not met with complete success. A careful perusal of his last report [S/6686] shows that this was due partly to his restricted terms of reference, and partly to the negative attitude of India, both now and in the past, with regard to the Kashmir problem.

The Secretary-General proceeded to the subcontinent under Security Council's resolution 210 (1965) adopted on 6 September 1965. This resolution called upon India and Pakistan "to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 Agust 1965". In pursuance of this directive, the Secretary-General appealed on 12 September [see S/6683, para, 6] to the President of Pakistan and the Prime Minister of India "to order a cease-fire without condition, and a cessation of all hostilities in the entire area of the current conflict between India and Pakistan to take effect on Tuesday, 14 September 1965".

The Prime Minister of India made it clear in his letter dated 14 September [*ibid.*, para. 8] that his acceptance of the Secretary-General's proposal for a cease-fire was subject to the following conditions. First, that the cease-fire orders would "be effective only in respect of the armed forces in uniform engaged in the present combat" and that the Indian Security Forces would remain free to deal with the so-called "armed infiltrators" in Jammu and Kashmir. Secondly, the Indian Prime Minister also made it perfectly clear "when consequent upon cease-fire becoming effective, further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place". Thirdly, the Indian Prime Minister stated categorically "no pressures or attacks will deflect us from our firm resolve to maintain the

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solidarity and territorial integrity of our country, of which the State of Jummu and Kashmir is an integral pa.t". In other words, he has clearly imposed a condition that the cease-fire should not be linked to the settlement of the Kashmir dispute, which is the only cause of the present war.

It is no wonder that the Secretary-General found it impossible to accept these conditions. In fact, the Indian Prime Minister's letter of 14 September amounts to a rejection of the Secretary-General's proposal for an immediate and unconditional cease-fire. While ostensibly agreeing to a stoppage of fighting with the Pakistan Army and the *Azad* Kashmir Forces, India wishes to retain a free hand to deal with the oppressed people of Jammu and Kashmir, who have risen in revolt against their Indian oppressors and the quisling administration which has been operating in Srinagar under the protection of Indian bayonets.

The second condition sought to be imposed by the Prime Minister of India is in line with India's persistent refusal to withdraw its forces from Jammu and Kashmir in accordance with the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, which were endorsed by the Security Council and accepted by both India and Pakistan. It is quite clear that there could be no real peace in Jammu and Kashmir if India were free to make the dispositions of its armed forces without regard to the international agreements on Kashmir.

The most preposterous condition, however, mentioned by the Indian Prime Minister is his determination to make the State of Jammu and Kashmir an integral part of India. Since 1947, the State of Jammu and Kashmir has been regarded as a disputed territory. As far back as 21 April 194°, the Security Council, in its resolution 47 (1948) noted that : "bo h India and Pakistan desire that the question of the accession of Jammu and Kashmir···should be decided through the democratic method of a free and impartia plebiscite". That declaration was reaffirmed in paragraph 1 of the resolution of the United Nations Commission for India and Pakistan of 5 Janu-

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ary 1949, which, as I submitted earlier, was endorsed by the Security Council and accepted by both India and Pakistan.

When, in total disregard of those undertakings, the Governments of India convened a constituent assembly in Kashmir and that assembly sought to determine the future constitutional position of Jammu and Kashmir, Pakistan lunched a strong protest. The Security Council sought and obtained from the representative of India a categorical assurance that, while the assembly could express an opinion, it could "take no decision on the question of accession" and that this opinion "would not bind the Government of India or prejudice the position of the Security Council".

In its resolution 91 (1951) of 30 March 1951 the Security Council reminded both India and Pakistan of the earlier United Nations resolutions with regard to Kashmir and reaffirmed the stand of the Security Council : "that final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations".

That position was reaffirmed by the Security Council in its resolution 122 (1957) of 24 January 1957.

The Indian Government's attempt to treat the State of Jammu and Kashmir as an integral part of India is, therefore, a violation of its international undertakings with regard to Kashmir and is manifestly contrary to the repeated declarations of the Security Council. It is also a fact that the recent troubles in Jammu and Kashmir are due in no small measure to the steps taken in December 1964 to undermine the disputed status of Jammu and Kashmir and to complete the annexation of the State through a variety of legislative, administrative and juridical measures. Incidentaliy, these steps were taken in flagrant disregard of the assurances given by the Indian Prime Minister to the President of Pakistan on 12 October 1964 that, pending a settlement of the Kashmir dispute, nothing would be done by the Government of India to complicate the situation or to prejudi.e the position of Pakistan vis-a-vis Kashmir.

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I gave close attention to the report of the Secretary-General [S/6686] on his mission to India and Pakistan. That report contains a number of proposals which, to the best of my knowledge, the Secretary-General did not discuss with the Government of Pakistan during his visit to Ravalpindi. I have transmitted these proposals to my Government and I shall place our considered reactions before the Security Council as soon as I receive instructions from my Government. In the meantime I should like to submit a few preliminary observations.

I am wholeheartedly in agreement with the Secretary-General's remark that the Security Council should continue to make further strenous efforts for a cease-fire, as well as for a long-term solution of the Kashmir problem. This is a duty and an imperative responsibility of the Security Council. The Secretary-General has made a number of specific recommendations with regard to the cease-fire, but I regret to have to observe that his proposals for a long-term solution of the Kashmir problem are neither precise nor effective. All that the Secretary-General has proposed in this regard is that the Council should request the two Heads of Government to meet together "to discuss the current situation and the problems underlying it as a first step in resolving the out-standing differences between their two countries and in reaching an honourable and equitable settlement" (*ibid.*, para. 9 (d)). There is on reference here to Jammu and Kashmir or to the implementation of the international agreement with regard to the State embodied in the Commission's rosolutions which were endorsed by the Security Council and accepted by India and Pakistan.

The Secretary-General's suggestion that the Council might consider the possibility of creating a small committee to assist in the talks between the two Heads of Government, "should its services seem useful and desirable to the two parties"(*ibid.*) is likely to be of limited value unless and until the Security Council clearly sets out the obligations assumed by India and Pakistan with regard to Kashmir and directs the the committee to oversee their implementation.

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Pakistan certainly welcomes the Secretary-General's offer of his own good offices in the search for a permanent solution of the Kashmir problem.

The Secretary-General has said that the Security Council can order a cease-fire under the provisions of Article 40 of the United Nations Charter and "that failure by the Governments concerned to comply with this order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter" (*ibid.*, para. 9 (a)). I venture to doubt the necessity for such action. It would be the first time in the history of the Kashmir dispute that the Security Council would be contemplating action under Chapter VII of the Charter. Hitherto, all actions have been taken under chapter VI. Departure from past practice would be a momentous decision, and its implications would have to be carefully weighed before the Security Council proceeds further in this matter. We too will have to weigh carefully our reactions to such a move.

I would like now to make a few brief comments on some of the points in the statement of the representative of India at the Council's previous meeting.

The representative of India claimed that India's policies were based on the message of non-violence and peace. We have seen Indian non-violence in action in Kashmir, Junagadh, Hyderabad and Goa. We have also seen this non-violence in the Rann of Kutch. We are witnessing it now on the borders of Pakistan. It is a matter of history that whenever India has had any dispute with its neighbours it has sought to settle it by the force of arms but to call it non violence.

The representative of India also refered to Mr. Nehru's offer of no-war declaration in 1950. This offer was welcomed by Pakistan, which put forward concrete proposals to achieve the desired aim. The Government of India was invited to agree that the settlement of every dispute would be sought through negotiations, and if necessary, through mediation; but if these methods were to fail, the dispute would be referred to arbitration. It was only thus that a no-war declaration

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could carry conviction. Pakistan also pointed out that by joining the United Nations, Pakistan had already renounced the use of force. A bare announcement that we would not declare war unless attacked added nothing to these commitments; if anything, it detracted from them. An announcement that failed to substitute arbitration for compulsion would fail to carry conviction that there would be no resort to force. The hypocritical character of India's offer of a no-war declaration is well illustrated by the fact that Pakistan was invaded by India on 6 September 1965 without a declaration of war.

The representative of India claimed that India is a mordern, secular State, while Pakistan is a medieval, theocratic State. These claims and accusations have been made by India *ad nauseum* in the past. Nothing could be further from the truth. The provisions with regard to citizinship, fundamental rights and social justice in the Constitution of Pakistan are as liberal as those of the constitution of any other modern State. They are in no way inferior to the provisions in the Constitution of India. Pakistan's treatment of its minorities compares favourably in every way with the treatment which India is meting out to its own minorities. This is borne out by the hundreds of attacks on the helpless Muslim minorities and the large-scale explusion of India Muslim nationals from Assam and Tripura which has been going on for the last three years. Over half a million of these unfortunate people have been pushed over the border into East Pakistan and have found refuge there.

I shall now turn to the episode of the Rann of Kutch, to which a reference was made by the representative of India. I will not go into the substance of the dispute, but I would like to point out that the existence of the dispute was explicitly recognized by both India and Pakistan. They also agreed in the Border Ground Rules of 1960 that, pending the final disposition of the territory, neither side would attempt to change in any way the *status quo* in the disputed territory. Earlier this year, the Government of India, for no apparent reason, decided to make an issue of patrolling by Pakistani border

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police along a track which runs some 1,800 yards into the Rann of Kutch. India claimed the entire territory. To make good this claim, India marched two full brigades of its regular troops and armour into the area, brought up a bomber squadron to the nearby airfield of Jamnagar, and the aircraft-carrier *Vikrant* to within twenty miles of Karachi. When, as was inevitable, a clash occured in the territory, India moved up its entire army against the borders of Pakistan and threatened to wreak war and destruction upon our country. At that point the Prime Minister of the United Kingdom intervened, and through his good offices the Government of India were brought around to accept the arbitration of a three-man tribunal for settling the dispute. The most significant aspect of this incident is that, while presenting the agreement on the Rann of Kutch to the Indian Parliament, Prime Minister Shastri conceded in the most clear and explicit language that the Pakistani patrol track, which the Government of India had choosen to make into a *casus belli*, did in fact lie within the territory in the *de facto* control of Pakistan, and that Pakistani police had always moved along it. What I have stated is in the records of the Indian Parliament itself. Any impartial observer can draw his own conclusions from a study of this case. I venture to submit that no clearer case can be found of the systematic bellicosity which has characterized the Government of India's attitude to Pakistan. The example of the dispute of the Rann of Kutch shows how, behind its peaceable posturings, the Indian Government goes about seeking occasions to pick gratuitous quarrels with Pakistan.

The representative of India stated that the Government of India has only love and affection for the people of Pakistan and that even today India does not consider itself at war with Pakistan. On the morning of 6 September when, without a declaration of war, India unleashed an attack on Pakistan; its first act in this war was the strafing by Indian aircraft of a stationary passenger train at Wazirabad station, killing a great many innocent civilians. This is that love and affection.

As long ago as 23 August, the Indian army shelled Awam Sharif inside Pakistan territory, killing twenty-five persons and

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wounding fifty. In flagrant violation of international conventions, India's wanton attack on open cities of Pakistan and bombing of civilian populations started first with cities in Pakistan including the capital Rawalpindi, Karachi, Dacca and Chittagong. In Rawalpindi and in adjoining villages, some two dozen persons, including two women and five children, were killed by Indian bombing, and over a dozen houses were demolished. In Karachi the bombs fell in the main residential areas, damaging houses and injuring the sleeping inmates. In East Pakistan Indian Canberras carried out wanton attacks on civilian areas of five principal cities, including Dacca and Chittagong. In the afternoon of 10 September the Indian Air Force again strafed civilian population in five East Pakistan districts, subjecting the civilian population to heavy bombing and strafing. The same night, the Indian Air Force bombed and shelled the civilian area of Sialkot city, damaging the main bazaar and fort area of the city of Sialkot with 1,000-pound bombs. A large number of the civilian population was killed during the bombings on Sialkot. Estimates of losses, which are extremely heavy, are being worked out.

Commenting on this, Roy Meloni, correspondent of the American Broadcasting Corporation, said in a recorded despatch on 14 September :

> "If the Indians ever try to tell you that they have not bombed civilian targets inside Pakistan, you have my permission to tell them to go quietly to hell.
>
> "...
>
> "Some nights ago, Indians bombed Sialkot about five miles from the Indo-Pakistan border and at least three miles from any military target, and they killed about twenty people. A further seventy were injured. The bombs fell in the heart of the city, ripped a mosque into ribbons; and I wept—yes, I cried—with the survivors, because this is not war, it is deliberate terror."

So the less said of this "love", the better it is.

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During the night between 13 and 14 September the Indian Air Force once again bombed the civilian populations in Pakistan in the cities of Peshawar and Kohat, killing sixty persons and injuring a large number as a result of indiscriminate bombing. In Peshawar alone thirty persons were killed. When the Indian Air Force Canberras bombed the civilian areas in Kohat, twenty-seven bodies had been recovered by the afternoon and digging for the rest was in progress when last reports came in. Forty-three persons were seriously injured. The casualties in both Peshawar and Kohat included a large number of women and children.

The main target of Indian bombers in Peshawar was two adjoining villages where many houses and two mosques were destroyed by Indian bombs. In Landi Arbab village a bomb directly hit a mosque and another bomb landed near a church and the residence of the American Consul in Peshawar. In Kohat, an Indian Air Force bomber hit the Liaquat Memorial Hospital, the City Health Centre and the district jail hospital. A large number of houses were destroyed. Once again on 15-16 September, the Indians bombed two villages in Sargodha, killing civilians and destroying a large number of houses.

This wanton Indian bombing of the civilian population in Pakistan's open cities continues. Only the night before last another seventeen civilians were killed and several men, women and children were injured when the Indians bombed another passenger train on its way from Lahore.

Let me now turn to the charges by the representative of India of Pakistan's alleged collusion with China. For many years India exploited Pakistan's membership of military pacts to sow suspicion and mistrust in the minds of China and the Soviet Union against Pakistan. For many years India enjoyed intimate relations with these Powers and sought to isolate Pakistan from these two great neighbouring countries. When the compulsion of Pakistan's national interest necessitated a normalization of our relations with China and the Soviet Union, and Pakistan began to take steps in that direction on the basis of the ten Bandung principles, India tried to turn these developments to its advantage by sowing suspicion of

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Pakistan in the United States. This "collusion" is but a figment of India's perverted imagination. If there was even a semblance of truth in these accusations, if "collusion" could be deduced from events, then the Chinese-Indian conflict of 1962 was the moment of our opportunity. Did we then attack India to liberate Jammu and Kashmir ?

The truth of the matter can be deduced from the fact that the mountain divisions raised and equipped by India in the last two years, with the assistance of the United States for the express purpose of defence against China, are now deployed in the plains of the Punjab and engaged in attacking Pakistan. Toward the middle of August, an entire brigade was moved from the Ladakh region to the Kashmir cease-fire line and it is this unit which was responsible for the breach of the cease-fire line near Tithwal. In fact the only Indian divisions which may appear to be stationed along India's northern frontiers are those in the east. These divisions can wheel around at a moment's notice to threaten and attack East Pakistan. The allegation made by the representative of India that Pakistan was conspiring with China for the destruction of India is not only baseless, but is also a blatant attempt to impress certain sections of opinion, particularly in the United States.

Pakistan's dispute with India arises from India's attempt to annex the State of Jammu and Kashmir against the wishes of the people of Kashmir, whom we in Pakistan consider as our kith and kin. The problem of Kashmir, as well as the agreement to hold a plebiscite, predates Pakistan's association with the Western Powers and its more recent efforts to establish good neighbourly relations with China and the Soviet Union. A solution of the Kashmir dispute, in accordance with the agreed declarations would serve neither some dark purpose of China nor of any other foreign Power. Pakistan has no ambitions beyond its borders. Unlike India, it seeks no foreign possession or sphere of influence. The last thing that we wish is that the Kashmir dispute should become embroiled in the conflicts and rivalries between the great Powers. It is not Pakistan which has gained in the past from the cold war bet-

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ween the United States and the Soviet Union. It is not Pakistan which today has a vested interest in the worsening of relations between China and the Soviet Union or China and the United States.

Having dealt with all the issues, I now remind this august body that in a similar situation in 1948 the Security Council insisted on deciding the entire dispute. I would like to recall to the Security Council some of the statements made by the members of the Council as they are relevant to the issue now under consideration.

At the 236th meeting of the Security Council, the representative of the United Kingdom said :

> "We are, then confronted with the question of how to stop the fighting. What will stop it, and in what way should it be stopped ?
>
> "...
>
> "What these two Governments want, and what we all want, is that the moral power and authority of the Security Council be brought to bear on the situation so that there can be a conviction on all sides that justice is to prevail, and that violence need not go on. Moreover, our object is not only to stop the fighting, but to keep it stopped. We have to arrive at a settlement which will prevent a new outbreak."

At the 237th meeting of the Security council, the representative of Canada said :

> The President has rightly pointed out of that the ending of the fighting and the holding of the plebiscite under conditions which will be recognized as fair and impartial are two aspects of the same matter."

At that same meeting of the Security Council, the representative of China said :

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"It is obvious that the key to the problem lies in the plebiscite. If the principle of free and impartial plebiscite for deciding the all-important question of the accession of Kashmir to India or Pakistan should be accepted, much of the incentive to violence and the use of force would be removed."

At the 240th meeting of the Security Council, the representative of United States said :

"Infact, I should feel that it would be erroneous for the Security Council, in solving this matter—if it were acting under Article 37—to undertake to do it piecemeal, by handling the termination of hostilities with one hand and the plebiscite with the other I believe that method would be entirely incongruous and would not lead to any successful solution of the matter.

"It is my opinion that, if and when the Security Council deals with this problem, it must consider it as a whole, because unless it does, there cannot be a cessation of hostilities."

At the same meeting, the representative of Argentina said :

"Now that the disputes between India and Pakistan have been submitted to the jurisdiction of the Security Council, the delegation of Argentina will not be able to vote in favour of any draft resolution which does not leave the solution of the problem to be decided by a plebiscite, freely prepared, freely conducted and freely scrutinized under the authority of the Security Council.

"...

"In order to solve a problem, and especially a problem of this nature, it is necessary to know the underlying causes. It is worthwhile remembering the Latin proverb,

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which says *sublata causa, tollitur effectus*, or, in other words remove the cause and the effects will disappear. In this case, the cause of all the disturbances, whether from India or Pakistan, or from the tribes, lies in the rebellion of the people of Kashmir against the absolute monarch who rules them as if he were running a farm and the 4 million inhabitants were so many heads of cattle and not human beings.

"If, therefore, in accordance with the provisions of the Charter already quoted, we assure these human beings that they themselves will be able to decide their own fate freely and without pressure from any quarter, I am sure that they will lay down their arms."

Finally, I would like to cite the remarks made on a later occasion. At the 467th meeting of the Security Council, the representative of Norway said :

"... the obviously correct point of departure : India's and Pakistan's agreement that the future status of Jammu and Kashmir shall be determined in accordance with the will of the people. This agreement, first briefly stated in part III of the 13 August 1948 resolotion, and subsequently elaborated in greater detail in the 5 January 1949 resolution, is not merely an important part of the edifice which has been laboriously built, up by the Cy mmission in the two resolutions; it is the keystone whad carries the whole structure and to which all the others parts are intimately related.

"...

"We must bear in mind that it was under the terms of this agreement, incorporoted in the two resolutions of the United Nations Commission for India and Pakistan which I have just mentioned, that cease-fire orders were issued by the opposing parties on 1 January 1949. The cease-fire agreement of 27 July 1949, completely

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demarcated on the ground, is also based upon and integrated into the same structure. Any attempt to bypass or whittle away its basic principles would jeopardize the cease-fire which has so painstakingly been established by the Commission.

"...

"...It is for the plebiscite to determine the ultimate ftae of the State.

"I would like to add that this principle, this keystone of the whole structure, has an importance which transcends the obligatory force it derives from the consent of the parties. The principle has its intrinsic value because it embodies the only criterion for determining Kashmir's fate which is compatible with modern democratic ideals."

I hope that the statements of members of the Security Council which I have quoted will suffice to establish that a simple, unconditional, cease-fire would not by itself suffice to bring about either peace or a durable solution of the Kashmir problem. It must also be recalled that the agreement with regard to the demarcation of the cease-fire line of July 1949 is only the first part of the Commission's resolution of 13 August 1948. The rest of the resolution, providing for withdrawal of the armed forces of India and Pakistan and the holding of a free and impartial plebiscite, have still to be implemented. India cannot insist on respect for the cease-fire agreement and yet continue to oppose implementation of the remaining provisions of the international agreement with regard to Kashmir.

I have set forth the proposals of my Government for the termination of the present conflict between India and Pakistan. They are based on principles which are self-evident. I put it to the Council: What could be more fair to the interests of India of Pakistan and of the people of Jammu and Kashmir than the

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proposition that we finally settle this dispute on the basis of the wishes of the people, freely ascertained? What could better secure a just and genuine peace for our entire region? Are we asking too much when we ask that the United Nations base its approach to the problem on the principle of self-determination which is the very soul of the Charter? Are we asking too much when we say that the people of Kashmir, whose land it is, be given a chance to decide their fate? Is it wrong on our part if we suggest that you cannot solve a problem pertaining to a people if you bypass those people?

It is for the Council now to make India accept these proposals which do not involve capitulation on India's part but simply the fulfilment of a pledge solemnly and repeatedly given by it. These proposals are but the translation into concrete form of the imperatives of peace with justice. They lead the parties, not to an illusory cease-fire, but to a peace containing an insurance against a renewed conflict and a catastrophe.

These proposals are an earnest of our faith, our search for justice, our commitment to peace. If they are endorsed, we are confident that we can open an era of good neighbourliness. If they are rejected or laid aside, then the prospectus of peace recede from our eyes and the hopes for justice are again deferred.

We have been invaded. To ask us to cease-fire is to ask us to suffer aggression. It is to ask us to dishonour our most sacred obligation of defending our land. It is to ask us to sacrifice our 5 million bethren in Jammu and Kashmir to whom a pledge has been given—here in the United Nations—that they will be free to decide their future through an impartial plebiscite. Even in today's world of power politics, a nation has a soul, a sense of honour, a feeling of obligation imposed by solemn international agreements, such as the one which bound India and Pakistan to the proposition that Kashmir shall not be a part of either country unless it has so decided of its own free will. It is a pledge embodied in numerous resolutions of the Security Council. It is enshrined

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in our soul and consecrated by our blood. Let me make it clear: Pakistan would rather make the supreme sacrifice than let this pledge by thrown overboard.

207. *Text of the speech made by Mr. Chagla (India) in the Security Council meeting No. 1241 held on 18 September 1965.*

Mr. President, I shall try to be as brief as possible in view of the lateness of the hour and your laudable desire to bring this meeting of the Security Council to a close by coming to a conclusion which will help the cause of peace.

May I point out that this war has now taken on a new dimension. The latest reports we have had are most disturbing. Chinese troops are massing on our border. At four points they have already indulged in probing actions and they are poised for an invasion or a serious attack as soon as the ultimatum to which I referred at the 1239th meetigg, expires. And the ultimatum expires tomorrow. But the Council will be making a serious mistake, if I might say so with the greatest respect to the members of the Council, if it looks upon this new trouble on our frontiers as something having to do merely with India and China. I want to satisfy the Council that what is happening now is an extension of the India-Pakistan conflict.

The representative of Pakistan blandly rejected what I said yesterday about the complicity between China and Pakistan; but unfortunately the record is much too clear for such bland dismissal of the charge I made yesterday.

May I refer to two or three quotations from responsible officials of the Government of Pakistan. In a telecast of the American Broadcasting Company in July 1961. President Ayub Khan, the Head of a member country of the South East Asia Treaty Organization and of the CENTO, and a recipient of United States military aid, felt no hesitation in advocating China's system to other countries of South and South-East Asia. Questioning the view that the relations between certain countries of South and South-East Asia and India were friendly

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he asked whether those countries were going to feel more secure. "In fact, they would be looking for protection elsewhere, and my belief is they will find it under China's system". He argued that if India's economic and military potential was developed, the rest of Asia, far from taking it as a comfortable example, would be apprehensive of India's growing might and, out of fear, might seek protection which China would be willing to extend.

In a statement to the Associated Press of Pakistan made on 10 April 1963, Premier Chou En-lai disclosed that the leaders of Pakistan had assured him in 1954 —mark the year 1954—that Pakistan had joined the Western military alliances only to gain political and military ascendancy over India and that "Pakistan had no other motivation in joining the pacts".

Initiating a foreign policy debate in the Pakistan National Assembly in 1963, the Foreign Minister of Pakistan, Mr. Bhutto, said that in the event of a war with India, Pakistan would not be alone; Pakistan would be helped by the most powerful nation in Asia.

In December 1963 the Chinese Vice-Minister for Foreign Trade, Mr. Nan Han-Chen, then on a visit to Pakistan, said: "We have to build ourselves militarily, economically and financially to beat the aggressors." And he added: "If ever there is war between India and Pakistan, China will surely support Pakistan and not India."

Apart from this, we have been reading in the Press about the visit of Mr. Chou En-lai and the Vice-President of the Chinese Republic to Pakistan in recent times—and you will have noticed that the one country in the world which is opposed to the cessation of these hostilities between India and Pakistan is China. It has condemned the action of the Security Council it has called it an imperialist body. It has condemned the peace mission of the Secretary-General, calling him a stooge of the imperialists. And this is for obvious reasons. China is fighting ndia through Pakistan. The whole policy of China is to disrupt the economy of India, to break

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up the country, because China realizes that India is the only country in Asia which can withstand the menace of Chinese expansionism. Therefore, there is no point in saying, as the representatives of Pakistan has said : "We have nothing to do with China there is no complicity between ourselves and China; we are fighting this war with India singlehanded".

I come now to the question of Kashmir, I do not want to delve into history. I studied history at Oxford and I am very found of history, but history must be reserved for a proper occasion. Therefore, all that I have to say about Kashmir I said at great length when I intervened in the debate last year. But I want to make my position clear on Kashmir. I do not want this Council to be under any misapprehension as to the attitude of my Government with regard to Kashmir; nor do I want the representative of Pakistan to be under any misapprehension. Kashmir is an integral part of India. Kashmir is a unit of the India Federation : and we will not permit our Federation to be broken up. The separation of Kashmir from India means the break-up of our Federation of India. It would mean as much a break-up as if any other part of India were separated from India. Therefore, as far as the position of Kashmir is concerned, it has been stated by the representatives of the Government of India on more than one occation, and, as I said, I myself stated it clearly and categorically at our last meeting.

The representative of Pakistan, surprisingly enough, referred to the people of Kashmir as the "kith and ken" of Pakistanis. It is a surprising statement. Why are they kith and kin of Pakistanis ? Is it merely because the majority of people in Kashmir happen to be Muslims ? There are 50 million Muslims in India : I suppose that the next suggestion of Pakistan will be that they have got 50 million people in India who are their kith and kin and, therefore, they have a right to invade India to liberate these people who are groaning under the tyranny of India—as he has suggested that the people of Kashmir are groaning under the tyranny of India.

May I quote from a very significant broadcast which was made by Mr. Bhutto on 15 September "Pakistan can never be

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complete without self-determination in Kashmir. This is the demand of the Muslims of the subcontinent".

Let me make two comments on this statement. Even before a plebiscite, which the representative of Pakistan demands, has taken place, and even before the people of Kashmir have expressed their detemination, as he wants them to do, Mr. Bhutto has made up his mind that Kashmir shall belong to Pakistan because according to him. Pakistan will never be complete without the self-determination of Kashmir. Therefore, according to him, the self-determination of Kashmir means Kashmir belonging to Pakistan.

The second extraordinary statement is that this is the demand of the Muslims of the subcontinent. Now, with all respect to Mr. Bhutto, who made him the representative of the Muslims of the subcontinent ? According to him, this is not merely the demand of the people of Pakistan, but also the demend of the Muslims of India. If I had the time, I would satisfy the Council that hundreds and thousands of meetings of Muslims have been held in India, in all parts of the country, entirely supporting the Government of India on this issue. India is one in fighting this aggression by Pakistan and in taking up the attitude that Kashmir is an integral part of India. There is no Hindu-Muslim problem about Kashmir in India. Every Indian, whether he be Hindu or Muslim or Christian or Jew or Bhuddist, is agreed on one thing : that Kashmir is an integral part of India and is, as I said, part of the Federation which constitutes our country.

The representative of Pakistan has also talked about disputed territory and he has tried somehow to exonerate himself from the charge of aggression which has been levelled against him by suggesting that the Pakistani troops entered into disputed territory of Kashmir. I do not understanding this expression. How is Kashmir disputed territory? If one looks at the resolutions of the Security Council, it is absolutely clear that India was made responsible for the defence and security of Kashmir, that our troops are there with the consent and sanction of the Security Council. If there is a dispute at

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all it is as to the question of a plebiscite. But as far as the territory is concerned today, the sovereignty is legally and constitutionally vested in India. If I had the time I would satisfy the Council, from the records of this august body, that that is the position ; but I do not want to go into it. However, I want to make it clear that Kashmir is not a disputed territory. It is an integral part of India, not only because we say so ; it is an integal part in law and in constitution, in accordance with the resolutions of the Security Council.

The representative of Pakistan has charged us with violation of international agreement with regard to a plebiscite. I think that the shoe is on the other foot. It seems to be forgotten that it was we who came to the Security Council as complainants against the aggression of Pakistan against Kashmir. We were the complainants. The Pakistans were the accused. And this Security Council called upon Pakistan to vacate its aggression, to withdraw its troops. Until today, that has not been done. If there has been a vio ation of international agreements, it has been by Pakistan, and that violation started in 1984 and has continued until today.

I do not want to go into the question of aggression by Pakistan. It is borne out by the report of the Secretary-General and the very able statement which has been made by the representative of Malaysia. But there is something more. Pakistan admittedly has violated the cease-fire line. According to the report of the Secretary-General, Pakistan has admitted that it does not repect the cease-fire line. According to Pakistan, the cease-fire line has ceased to exist. If you look at the resolutsons to which reference has been made, resolutions passed as far back as 1948 or 1944, it will be seen that all the arrangements that were arrived at with Pakistan through the instrumentality of the Security Council were based on the integrity and inviolability of the cease-fire line. If Pakistan says the cease-fire line does not exist, then the resolutions of the Security Council which I termed as obsolete in my statement last year [1088th meeting, para. 33] not only have become obsolete but are dead.

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The representative of Pakistan has shown a great solicitude for the minorities in India. I do not think he need be so solicitous about them. They are perfectly happy, enjoying all the rights of free citizens, with all the fundamental rights guaranteed to them. He quarrelled with me for calling Pakistan a religious State. He has forgotten his Constitution. Under the Pakistan Constitution, no one but a Muslim can be President of Pakistan. Under our Consitution, we make no distinction as to caste or community. He has forgotten that in Pakistan there are no real parliamentary institutions, there are no direct elections, and democracy functions, if at all, in a very diluted and modified form.

As regards the cease-fire, I think that by now it should be clear to the members of the Council from the statements made by all members that we have accepted the cease-fire unconditionally. The letter of the Prime Minister of India is clear, categorical and unequivocal. We have refused to link the problem of Kashmir with the cease-fire. On the other hand, President Ayub Khan insists on linking this problem with the cessation of hostilities, and that position has been repeated emphatically by the representative of Pakistan. I challenge the representative of Pakistan even now, at this table, to state categorically whether he is prepared unconditionally to accept a cease-fire. I say here what my Prime Minister has said : I am prepared to accept a cease-fire here and now (at this very moment, unconditionally. Is the representative of Pakistan prepared to do so ? If he is not, I beg you, Mr. President, and I beg the members of the Security Council when they draft a resolution to make a distinction between these two positions, not to equate us, not to bracket us and not to put us on the same footing.

The representative of Pakistan said he was opposed to the issuing of any order against him under Article 40 of the Charter. Why ? Does he not want a cease-fire ? Is he not so sure of himself because China is coming to his rescue ? It again discloses an attitude which is not favourable to peace, which is not favourable to the cessation of hostilities.

We are living in serious times. The situation is becoming

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graver. War is extending and escalating. However, as far as we are concerned, we are prepared to give every assistance to the Security Council for the cessation of hostilities.

I do not wish to tax your patienee by rebutting every statement made by the representative of Pakistan, for it would take much too long a time, but it should not be unde·stood that I have accepted the various statements he has made. I could rebut each one of them if I were given the opportunity. However, there is one statement which I must rebut. I must nail the lie to the counter.

The representative of Pakistan said that we had bombed the civilians at a place-called Batamaloo. The position is this. About the time the fire started, the *Azad* Kashmir radio blared forth a call to socalled freedom fighters asking them to set fire to all areas with important government offices—the State Secretariat building, the State Armed Police head quarters, the supply godowns and the agency office adjoining the place. Later the same evening and again the next morning, the Pakistan radio gleefully announced that freedom fighters had set fire to an area at Batamaloo with important government buildings. Next morning *The Pakistan Times* announced the same, as follows :

> "Government buildings in Srinagar on fire. Mujahids" —these are the people Pakistan sent across the cease-fire line—"active in heart of city. Held State capital cut off from outside. Hundreds of Indians killed in skirmishes."

That same paper specifically mentions the arson committed in this particular case :

> "The freedom-fighters set many government buildings on fire at Batamaloo about three miles from Srinagar yesterday and entrenched themselves in the heart of the city. The blaze continued for seven hours, according to the All-India Radio".

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The representative of Pakistan, sitting before a responsible body like this, has charged us with setting fire to that place. What I have read is from Pakistan's own newspaper, their own radio, their own responsible officers.

Now, there is one thing more I should like to say. Every time we came here, Pakistan talks about the "revolt" in Kashmir. In this morning's *Guardian*, a leading newspaper in England, this is what appears in an article by the correspondent Donald Chesworth :

> "An offer to stay in a Srinagar house-boat took me on a recent holiday to Kashmir. I was in the Kashmir Valley during much of the present trouble, arriving back in New Delhi on Sunday.
>
> "Pakistan has alleged a popular uprising, nothing whatever to do with Pakistan, was the basis of the present armed conflict. At no time did I came across any evidence that there was a Kashmiri revolt, spontaneous or otherwise."

But that is not all. *The Times* of London, one of the most responsible newspapers of the world, stated on 11 August 1965, in a dispatch from its correspondent in India :

> "There is no indication of any armed revolt by people on the Indian side"—of Kasmir—"as announced by Pakistan Ratio".

And the *Baltimore Sun*, a very responsible newspaper in the United States—as the President would know—on 12 August 1965, in a report from its correspondent describing a tour around Srinagar, said :

> "There is no evidence visible in or near this city to support reports from Pakistan of a popular uprising against India, nor of repressive measures against the population".

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The Sydney *Daily Telegraph*, on 13 August 1965, stated in a write-up by its columnist Emery Bares :

> "Whatever the basic rights or wrongs of the chronic Kashmir problem may be, Pakistan's claim that the present armed conflict there is a purely internal rebillion against India stretches credulity a trifle far."

The BBC television on 16 August 1965 stated : "Undoubtedly they hoped for much local support"—that is, the Pakistanis—"perhaps a popular uprising, but there has not been one..."

This establishes what I said in my statement at the 1239th meeting, that the people of Kashmir would rise in revolt and they would be able to take Kashmir in that way. But may I say this—and here I am echoing what my friend the representative of Malaysia said—that this would be a very serious thing for the Security Council, it would be a very serious thing for international relations, it would be a very serious thing for international peace, if Pakistan could get a settlement of the Kashmir problem, could get a plebiscite, at the point of a gun or a bayonet, I call this blackmail. You invade a country, you spread terror in the country, you bomb civilians, you do everything that is in your power, and then you turn around and say : I agree to a cease-fire, provided you settle the problem of Kashmir and hold a plebiscite in Kashmir. That is not the way to settle international problems : there are other ways of settling them.

In conclusion, I once again wish to express the anxiety of my Government to put an end to this war. An end can be put to this war on honourable terms. But I do not understand the expression "cease-fire in principle". What does that mean ? Either there is a cease-fire or there is not. Does Pakistan mean that we should stop fighting and they will go on fighting until they get the Kashmir problem solved ? What is the meaning of a "cease-fire in principle" ? A cease-fire is a factual thing. It means that the troops of both sides put down their arms and stop shooting at each other. But according to Pakistan,

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we should put down our arms and stop shooting while they continue shooting until their principle is conceded. That is not my understanding of a cease-fire, nor is it the understanding of my Prime Minister. When we said without reservation that we accept a simple cease-fire unconditionally, we meant it. But when President Ayub Khan replied to the Secretary-General, he talked of a "cease-fire in principle", something that has been re-echoed by the representative of Pakistan.

I say that these are two differing attitudes of the two countries, and when you deliberate on the resolution, I beg of you to bear in mind these two absolutely differing attitudes.

Mr. AKA (Ivory Coast) (translated from French): At this moment, while the Council is deliberating, the world is going through a period of anguish and suspense when the slightest blunder could entail incalculable consequences for international peace and for all mankind. Two great nations, India and Pakistan, which throughout their long history have earned our sympathies and our friendship, are engaged in armed conflict.

As the Secretary-General points out in his report (S/6651), the causes underlying the problem that has brougt us together are complex and of long standing. We believe that the arguments adduced by both sides are equally worthy of respect in principle and deserve the Council's attention. It is, however, undeniable that, whatever arguments are adduced, the Council cannot help to solve the dispute between India and Pakistan by peaceful means while unrestrained passions, resentments and violence prevail in these two friendly countries.

Consequently, my delegation strongly believes that the Security Council must renew its appeal to the parties for an immediate cease-fire, and we are ready to join in any initiative by the members calculated to achieve this result, which must, in the minds of all, be the first step required to meet the present situation.

In making these few preliminary remarks, I wish to reserve my delegation's right to refer to the substance of the question at the appropriate time.

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208. *Text of the speech made by Mr. Zafar (Pakistan) in the Security Council meeting (No. 1242 held on 20 September 1965.*

I listened very carefully to the statements that were made the day before yesterday (1241st meeting). There are many points which demand discussion, but I wish to confine myself at this stage to some brief submissions. These, we feel, are absolutely necessary if the grave issues confronting us are all to be clarified.

I must say at the very outset that it is not the policy of my Government to join issue with any individual member of the Security Council. As a Member of the United Nations, and as a party to a dispute that has tragically persisted for eighteen years and remains unsolved on the agenda of the Council, my Government, I believe, has a right to expect at least two things from anyone who participates in the judgement-making processes of this Council.

First, he must be objective enough not to cast reflexion upon, far less to question, the basis, the raison d'etre, of the statehood of a Member State. Second, he must not in any manner denigrate the value of those decisions of the Council itself which govern the consideration of an issue and which have been repeatedly affirmed over a number of years. I think it was evident that, at one point the day before yesterday, these expectations were not fulfilled.

The representative of Malaysia made the observation regarding the Kashmir question that: "It"—meaning the Kashmir dispute—"began simmering···in August 1947 when one ancient country and one ancient people were cut into two unequal parts." (1241st meeting, para. 19.) This is indeed a strange observation coming from the representative of a country which shares with Pakistan membership in the Commonwealth and many other close ties. His observation amounts to an attack on the very existence of Pakistan as a sovereign and independent country. What "one ancient country" and which "one ancient people" is he referring to?

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The partition of the subcontinent was carried out with the consent of the two main political parties, namely, the Congress, representing the Hindu majority, and the Muslim League, representing the Muslims of India. There were in 1947, and there are still in India today, influential Hindu leaders who resent the creation of Pakistan and are out for its destruction. I am sure this could not be the position of the representative of Malaysia.

Further, when the representative of Malaysia talked of "ancient resolutions from the musty records of the past", I am afraid he did not encourage respect for the Council's decisions. He seemed to imply that if one disobeys a resolution of the Council long enough, one can count on the resolution becoming "ancient" and being buried in "the musty records" of this Council.

For those why shy away from the mention of these resolution, let me point out that India itself invokes them when, according to its interpretation, Pakistan is supposed to have acted contrary to their provisions. General Nimmo and the United Nations Military O server Group have been quoted in these discussion. What do they derive their authority from, except the two resolutions of the United Nations Commission for India and Pakistan which were accepted by the parties ? In fact, the dav before yesterday, the representative of India said that Indian troops are in the State of Jammu and Kashmir with the consent and sanction of the Security Council.

In making this statement, what was he doing except referring to the Commission's resolutions and putting a gloss on them ? The State of Jammu and Kashmir is a territory in dispute. It is certainly not an integral part of India of Kashmir were an integral part of India, if the Commission's' resolution were defunct, the question of the Council's consent and sanction would not arise.

Kashmir never was and never became a part of Indian territory. Even if it is admitted that people from *Azad* Kashmir have crossed over into occupied Kashmir, it cannot

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be said that they have trespassed on Indian territory, India first usurped Kashmir and, having done so, now maintains that any move to challenge its usurpation is an aggression against Indian territory. If this position were accepted, there would be no end to colonialism. Indian leaders have accepted Kashmir's right of self-determination and the problem of Kashmir cannot be compared to that of the fissiparous movement in India.

We are confronted today with a clear issue of war or peace. Pakistan, as I have already said, stands for peace. The imperatives of peace will not be satisfied if the Security Council bases its approach on what happened in early August 1965 about which it has no irrefutable evidence. General Nimmo has been quoted here. May I point out certain observations made by General Nimmo which were not quoted.

The first is from the Secretary-General's report, it is the passage which qualifies General Nimmo's conclusions about the so-called infiltration. It reads :

> "...even though in most cases the actual identity of those engaging in the armed attacks on the Indian side of the Line and their actual crossing of it could not be verified by direct observation or evidence." (S/6651, para. 6).

The second is from General Nimmo's letter to the Secretary-General dated 30 August 1965, which is appended to that report :

> "As you will note, the investigations, which often have to be carried out in extremely difficult circumstances and at varying lengths of time after the particular action has occurred, have in general not yet been able to verify, either through observation or direct evidence, the identity of those responsible for the action and participating in it, or whether and to what extent there had been in fact crossing of the cease-fire line" (*Ibid.*)

These observations speak for themselves.

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More important is the consideration—and the records prove it—that the cease-fire line has been violated thousands of times during the sixteen years it has been in existence. It is not the violations of the cease-fire line that brought the matter to the Security Council. What gave the gravest turn to the situation was the outright, self-admitted invasion of *Azad* Kash mir by India and its inevitable results. What brought to it the dimension of aggression was the invasion of Pakistan by India on 6 September 1965.

The representative of India charged me with having forgotten that under the Constitution of Pakistan only a Muslim could be elected as President of Pakistan. I have not forgotten the Constitution. What I do not accept is the assumption of the representative of India that because only a Muslim can be President of Pakistan, Pakistan is a theocratic State. Pakistan is no more a theocratic State than the United Kingdom, where only a member of the Anglican Church can be King or Queen.

The representative of India inquired why we regard the people of Jammu and Kashmir as our kith and kin. The answer is obvious. More than 80 per cent of the people of the State are Muslims. They belong to the same racial stock as the people of Pakistan and have the closest cultural, social and humanties with us. We can never be indifferent to their fate.

We are not demanding, however, that on this account Jammu and Kashmir should be handed over to Pakistan. All that we are asking is that the people of Jammu and Kashmir should be enabled to decide freely and without coercion whether the State should accede to Pakistan or to India.

The representative of India has further said that, on the analogy of Kashmir, we could also claim—which is his fear—that since the Muslims of India are our kith and kin, they too could be "liberated". am using his expression. The representative's analogy is all wrong. Kashmir is disputed territory; India is not. The possibility posed by him, therefore, is manifestly inconceivable.

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The representative of the USSR was pleased to refer to the letters dated 4 September 1965 of the Chairman of the Council of Ministers of the USSR to the President of Pakistan and to the Prime Minister of India (S/6685) in which the Soviet Government had offered its good offices to help to resolve the Kashmir dispute. I understand that Mr. Kosygin, Prime Minister of the USSR, has sent another message to the President of Pakistan and the Prime Minister of India inviting them to meet on Soviet territory; it has also been reported that he would be prepared to take part in such a meeting if this was desired by Pakistan and India.

The Government of Pakistan regards this move as very important and highly significant. It deeply appreciates the offer of the Soviet Union and is giving urgent consideration to the message received from the Prime Minister of the USSR.

Several members of the Security Council have advocated the resumption of bilateral talks with regard to Kashmir. We are always ready for bilateral talks with India on this or any other matter in dispute, provided the ground for such meetings has been adequately prepared and the talks are likely to be fruitful. Members of the Security Coucil will recall that there were bilateral negotiations with regard to Kashmir between the Prime Ministers of Pakistan and India in 1950-1951 and 1953-54. Direct talks also took place between the Heads of the two Governments in 1959 and 1960 and between the two Foreign Ministers for as long as six months during 1962-1963. All these talks proved unfruitful, because India refused to honor its international commitments with regard to Kashmir as embodied in the two resolutions of the United Nations Commission for India and Pakistan and endorsed by the Security Council.

The counter-proposals which India put forward from time to time were that the present cease-fire, line should become the international boundary, with some minor border adjustments. This was no "honourable and equitable settlement" and totally ignored the wishes of the people of Jammu and Kashmir themselves.

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The representative of India told the Council the other day that the agreed resolutions of the Commission were a dead letter, that Jammu and Kashmir had become an integral part of India, and that in no circumstances would India agree to the holding of a free and impartial plebiscite. If this statement represents the considered view of the Government of India, it is hard to understand what could possibly be gained by the resumption of direct bilateral talks between Pakistan and India.

The central fact in the whole situation is the suffering of the people of Kashmir. There is only one way out of this situation. Let conditions be established under which the people of Kashmir are enabled, without fear of coercion or persecution, to record their free verdict on their own future. That is the clear duty, as I see it, of this Council.

In what manner does it propose to discharge that duty? If India's position should be that the people of the occupied portion of Kashmir are, if not happy, at least well content with their present situation and they desire no change, why does it not put an end to the whole of this dispute by offering a free and impartial plebiscite under the auspices of the United Nations, with due safeguards against any fear of coercion or persecution? India does not do so because it is convinced that the verdict of the suffering people of Kashmir will go against India. What is it that the Council proposes to do in that situation?

Pakistan has hitherto discharged its duty fully under the Charter to strive for a fair, just and equitable solution through peaceful methods. It is still eager so seek a solution through such methods provided there are no further prevarications and subterfuges and a self-implementing plan is adopted to bring about such a determination of the dispute. It is our earnest hope that the Council will have the determination, strength and wisdom to bring about such a solution.

I wish to say that I have received information that the third Arab summit conference, held in Casablanca from 13 to 17 September, called anew for giving up the policy of force in

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the settlement of international problems, for solving them by peaceful means, and for respect for the right of self-determination, and, consequently, it expressed grave concern over the armed conflict between India and Pakistan. It appealed to both States immediately to halt the fighting and to settle the dispute by peaceful means in accordance with the principles and resolutions of the United Nations. That is what an organization of various Heads of State has stated.

We are asking the same thing of the Security Council, namely to determine clearly and without ambiguity that the right of self-determination must be given to the people of Kashmir, a right which was promised to them by the Security Council in its resolutions. A thing once pledged and not given will shake the faith of those people in the United Nations itself. Therefore, we are confronted with a situation of both giving peace to the world and creating faith in the people who look to this Organization as one that will give them justice, that will give them fair play and that will bring to their countries a peace which will be of a permanent nature.

209. *Text of the Speech made by Mr. Zafar (Pakistan) in the Security Council meeting No. 1242 held on 20 September 1965.*

I have just seen the draft resolution submitted to the Council and have listened with care to the explanation given by its sponsor. The draft resolution, as stated by the representative of the Netherlands, is the result of informal consultations among members of the Council. My delegation was not involved in those consultations. Permit me, however, to make a few observations of a preliminary nature of this draft resolution.

The question that the Security Council has been considering during the past week, and which has been on the agenda of the Council since January 1948, is the question of Jammu and Kashmir. It is essential to concentrate all future endeavours on a settlement of the outstanding differences between India and Pakistan on the question of Kashmir. It is in that sense

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that we understand the reference to Kashmir in the preamble to the draft resolution.

We notice that the cease-fire is regarded by the Council as the first step towards the attainment of a peaceful and enduring solution of the Kashmir problem. Indeed, as I have recalled in my previous submission to the Council, the cease-fire orders were issued on 1 January 1949 and the agreement on the demarcation of a cease-fire line was reached on 7 July 1949, in pursuance of the international agreement with regard to Kashmir embodied in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949. The cease-fire agreement is part and parcel of the Commission's resolutions and does not stand by itself.

In my statement on Saturday, 18 September 1965 (1240th meeting), I also reviewed briefly the history of Kashmir since the reference of the dispute to the Security Council, I showed that, so far, only the first parts of the two agreed resolutions of the Commission have been implemented. Implementation of the remaining provisions has been blocked by India's refusal to proceed with demilitarization and the holding of a free and impartial plebiscite.

In regret to note that the draft resolution fails to deal with the basic problem. For a settlement of the Kashmir problem, paragraph 4 of the draft resolution calls upon the Governments of India and Pakistan "to utilize all peaceful means, including those listed in Article 33 of the Charter" of the United Nations. In my intervention a short while ago I gave an outline of the bilateral talks with regard to Kashmir between India and Pakistan. I pointed out that while Pakistan is always ready for meaningful talks with India to resolve the Kashmir dispute, experience has shown that such talks have proved futile. Resumption of bilateral talks would again be futile if India continued to repudiate its international undertaking with regard to Kashmir as embodied in the Commission's resolutions and claimed that Kashmir had become an integral part of India.

My Government must once again reiterate that the conti-

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nuing force and validity of the Commission's resolutions of 13 August 1948 and 5 January 1949 do not become obsolete simply because the other party chooses to resign from them. Solemn international commitments cannot be so easily repudiated. The Commission's resolutions still provide the surest and quickest means of resolving the Kashmir dispute and achieving a lasting peace and amity between Pakistan and India.

On the other hand, should the Security Council adopt this draft resolution, we feel bound to warn and to put on record that unless the basic cause of the present conflict is removed, another and wider conflagration is bound to ensue.

In my statement of 18 September 1965, I put forward a four-point peace plan to end the war between Pakistan and India and to secure peace with justice. Permit me to recall what I said : first, there should be a cease-fire with immediate effect; second, immediately thereafter the forces of both India and Pakistan should be withdrawn completely from the disputed area of Jammu and Kashmir, including the territory called *Azad* Kashmir; third, a United Nations force should take over the security functions in the State; and fourth, within three months of the cease-fire a plebiscite should be conducted in the State, under the auspices of the United Nations, to ascertain the wishes of the people of Jammu and Kashmir on the question of accession of their State to India or Pakistan. These four proposals do not impose on India any disability which Pakistan, for its own part, is not prepared to accept. Therefore, they are fair, reasonable and constructive and point to the quickest and surest way to end the bloodshed and to secure lasting peace. There is no other way than a plebiscite in Jammu and Kashmir to resolve the differences between the two countries in a just and honourable manner. This is the reason why Pakistan has adhered faitfully to the idea of a plebiscite for all these years and insists that it should be held.

I would therefore request the members of the council to consider these aspects again and not to accept and adopt this draft resolution.

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### 210. *Text of the Speech made by Mr. Chagla (India) in the Security Council meeting No. 1242 held on 20 September 1965.*

It is already Monday morning and I do not think any one of us wants to see the sun rise; therefore, I will try to be as brief as possible.

Mr. President, may I first compliment you and your colleagues on your strenuous and heroic attempts to produce a resolution which has so much support and which, I take it, has been adopted in the interest of securing peace and the cessation of the hostilities in the subcontinent of India which are going on at present.

The main concern of the Security Council was the cessation of hostilities. You have sat here from day to day : you have sat here until almost 2 o'clock this morning because you realize what is happening. Men are being killed, there are widows and orphans, devastation rages in all directions, and all men of peace and goodwill naturally desire that this terrible bloodshed should come to an end.

As far as my Government is concerned, and as I have pointed out before, we accepted an unconditional cease-fire as far back as 15 September 1965 and, as I again pointed out, Pakistan did not. I threw out a challenge to the representative of Pakistan (1241st meeting) as to whether he was prepared to accept an unconditional cease-fire; no answer has as yet been given to that challenge. Not only that, he has repeated today the conditions for a cease-fire on which President Ayub Khan has been insisting in his correspondence with the Secretary-General. But what is worse, the representative of Pakistan says—and I have taken down his words—that if the Kashmir problem is not solved, "another and wider conflagration is bound to ensue". The threat is already there. This aggression is not enough. The representative of Pakistan wants the members of the Security Council to know—and I do ask you to make a note of this—that if the Kashmir problem is not solved according to his liking and to his country's liking, another and wider conflagration will ensue.

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This is not the attitude or the conduct of a peace-loving country. In the first place, he refuses to accept an unconditional cease-fire; in the second place, even before these hostilities have come to an end, he threatens this great international body with a future conflagration which will break out if the Kashmir problem is not solved. That is the love that Pakistan has for peace and international understanding.

As I read it, the resolution just adopted is not directed against my country. We have already accepted an unconditional cease-fire and we certainly will carry it out if Pakistan will carry it out. To the extent that the resolution deals with a cease-fire, it can only be directed against Pakistan which has not accepted an unconditional cease-fire.

With regard to the rest of the resolution, all that I am going to say now is that I adhere to everything I said in the two statements I have made in this Council (1239th and 1241st meeting). Various matters are dealt with in this resolution, and I have taken those matters up in those statements. My Government adheres to every one of those statements, and my Government also adheres to the explanations given by the Prime Minister of India in his letter dated 14 September (see S/6683). Therefore, my position is perfectly clear and the position of my Government is also perfectly clear. We have come here before you to help you to stop the hostilities. We give you full co-operation. To the extent that this resolution deals with other matters, I do not wish to comment on them because I have already done so in my two previous statements, and the Prime Minister has commented on them in his letter of 14 September.

211. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting no. 1244 held No 22 September 1965.*

I am thankful to you and to the members of the Security Council for having met at this late hour to discuss a matter of vital importance to my people, to the subcontinent, to Asia, and perhaps to the world at large. It was very kind of you,

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Sir, to have convened this meeting at this late hour to discuss the grave issues that face us. In expressing my gratitude I would like to address not only the permanent members but also the other members of the Security Council for having taken the trouble to be with us this morning. I have come direct from Pakistan, and I have requested this meeting because the issues that face us are indeed so fundamental and important that it is necessary for us to meet to dilate upon them.

I am thankful also to the Secretary-General for his endeavours to bring about a meaningful settlement between India and Pakistan. We are aware of all his efforts; we are grateful to him and to the Security Council; we are grateful to all peace-loving countries for having taken such a direct interest in a war which we do not want, which has been imposed on us by a predatory aggressor.

Pakistan is a small country. You have only to look at a map of the world and see our size to be aware that our resources are limited.

We are facing a great monster, a great aggressor always given to aggression. During the last sixteen or seventeen years of our independence we have seen India commit aggression time and again. Ever since 1947, India has followed the road of aggression. It has committed aggression against Junagadh, against Manavadar, against Mangrol, against Hyderabad and against Goa. It has brought about a situation which has caused the Sino-Indian conflict. It has committed aggression against Pakistan. And Pakistan, according to Indian leaders, is its enemy number one. Pakistan is supposed to be the country which is the fulcrum of India's fundamental policies.

From 1947 we have been faced with this situation. We have always known that India is determined to annihilate Pakistan.

Pakistan's basic principle was the bringing about of a permanent settlement between the two major communities. For 700 years we sought to achieve equilibrium between the people of the two major communities, and we believed even-

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tually that the only way to live in lasting peace with India was to establish our own homeland, to establish a country smaller in area, but nevertheless capable of having a relationship, a *modus vivendi*, with a great and powerful neighbour. That was one of the prime factors responsible for the creation of Pakistan. We know that in Europe certain countries have had to separate in order to get closer together; Sweden and Norway, for instance, had to separate in order to get close to one another. We believed that with the creation of Pakistan we would be able to establish a permanent peace, a permanent understanding, between the people of India and the people of Pakistan.

We are a smaller country and, as I said, our resources are limited; one has only to look at a map of the world and a map of the subcontinent to see that. We are not interested in war. We do not want aggression; we do not want conflict. We want peace in order that our people can develop. This is the age of rising expectation. We should like to see all our energies and all our efforts directed towards economic well-being. It is not the law of God that people in Asia and Africa should be poor. It is not a predestined rule or an immutable law that we should always remain in poverty. We want to break the barriers of poverty; we want to give our people a better life; we want our children to have a better future.

The leaders of Asia and Africa are determined to break the barriers of the past, the legacies of the past, and in order to do so we must channel all our resources for productive ends for a peaceful and purposeful future. This is a dire need for a small country such as Pakistan.

We do not want conflict. We are not for war. We do not want to see the extermination of peoples. We respect and have regard for the people of India. A few years ago we were part of the same country, but, for the reason which I have stated, we were obliged to separate. But we had thought that by means of separation our people would be brought closer together, that we should bring about harmony, understanding and tranquility. The basic idea in the creation of Pakistan

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was that the area occupied by a Muslim majority should for in a part of Pakistan. This basic principle was accepted by the Indian leaders. All we ask is to live in peace, friendship and good will with India on the basis of the understanding and agreements which the Indian Government and the Indian leaders themselves solemnly pledged to my people and my country.

Today we are fighting a war, a war imposed on us by India, a naked, predatory, unwarranted aggression by 450 million people against 100 million people, a war of chauvinism and aggrandizement by a mighty neighbour against a small country. It is as if, in Europe, France or Germany committed aggression against Denmark. It is as if a small country in South America were subjected to aggression by Argentina or Brazil. It is as if the United States waged a war against a small country.

We do not want to be exterminated. We cherish life. We want to live; we want our people to live; we want our people to progress. But today our cities are being bombed indiscriminately by the might of India, by the formidable machine of the Indian armed forces.

But we are resolved to fight for our honour, to fight for Pakistan, because we are the victims of aggression. Aggression has been committed against the soil of Pakistan. But, irrespective of our size, irrespective of our resources, we have the resolve, we have the will, to fight because ours is a just cause. Ours is a righteous cause. We are wedded to principles. We are wedded to our own pledges. We believe in the right of self-determination—a Wilsonian right, a concept which has inspired the whole of Asia and Africa. It is a phenomenon that cannot be stopped; and that is why we are fighting. We are fighting with our backs to the wall, but we shall fight with all our determination, irrespective of the odds and of all the forces that are pitted against us.

The Secretary-General, as I have already said, has made some very constructive suggestions, and we are grateful to him. He is not only the Secretary-General of the United

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Nations, he is also a great Asian from a great Asian neighbour of Pakistan and of India. And we should like to co-operate with him in his capacity both as the Secretary-General and as a leader of a great Asian country. We have had useful discussions with him in Pakistan, and we told him that we are for peace.

We do not want war, we do not want destruction and we do not want disaster. But it should be a meaningful peace, a purposeful peace, a peace for all time, a peace in which India and Pakistan can live as good neighbours. We are neighbours and we want to live as good neighbours. We do not want to have conflict and trouble with India for all time. No people would want that.

We are a smaller country. The cardinal principle of Pakistan's foreign policy has been to establish good neighbourly relations with all countries, with all its neighbours—and India is our principal neighbour. All our efforts to establish good neighbourly relations with all other countries would be in vain if we are not able to establish good neighbourly relations with India, which is, as I have said, for historical, political and geographical reasons our principal neighbour. We will make every endeavour to establish such relations. The Indian representative, whom I know so well and for whom I have great regard, is aware of the efforts we have made to establish good neighbourly relations with India. He knows that from the very beginning our President, from the time he came into office, has made positive gestures to India to establish good neighbourly relations with that country. We have taken many initiatives to bring peace, tranquillity and friendship between Pakistan and India. These are matter of record, not a question of propaganda, of trying to get kudos. These are tangible and well-known facts of history. Ever since he became President of Pakistan he has gone out of his way to establish good relations with India by co-operation in every field, co-operation in trade, in economics and in politics. Has the world forgotten that in 1959 it was the President of Pakistan who made an offer to India to

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disengage, to bring about a meaningful settlement so that our armies do not face each other in an eyeball-to-eyeball stance so that we may take care of our own difficulties.

These are matters of record, matters of history. Thus, we want good neighbourly relations with India, we want peace with India and we want friendship with India. But that peace and friendship must be peace with honour and it must be peace between self respecting sovereign States. India must accept that. India must know that peace can be established only on the basis of self-respect and honour, on the basis of its own commitments, on the basis of its own pledges, on the basis of its own promises to the people of Pakistan, to the people of India, to the world at large and, above all, to the people of Jammu and Kashmir.

Jammu and Kashmir is not an integral part of India and has never been an integral part of India. Jammu and Kashmir is a disputed territory between India and Pakistan. It is more a part of Pakistan than it can ever be of India, with all its eloquence and with all its extravagance with words. The people of Jammu and Kashmir are part of the people of Pakistan in blood, in flesh, in life—kith and kin of ours, in culture, in geography, in history and in every way and in every form. They are a part of the people of Pakistan.

We will wage a war for 1,000 years, a war of defence. I told that to the Security Council a year ago when that body, in all its wisdom and in all its power, was not prepared to give us a resolution, even last year. The Security Council felt that we had brought a dead horse to the Council, that we were trying to make internal propaganda. But the world must know that the 100 million people of Pakistan will never abandon their pledges and promises. The Indians may abandon their pledges and promises; we shall never abandon ours, irrespective of our size and of our resources. We shall fight to the end, but we shall fight in self-defence; we shall fight for honour. We are not aggressors, we are the the victims of aggression. It was the duty of the Security Council to pronounce itself on who is the aggressor and who is the aggressed. It was Pakis- that was the victim of aggression.

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I am not referring here to some of the remarks made by countries which have no right to be here; they are not even countries. I am referring to the great Powers, I am referring to all peace-loving countries, I am referring to those who believe in the cause of justice, in the cause of righteousness and in the cause of honour. After all, history is not in vain. Wars have been fought in the past and people have upheld great causes. I am referring to the great Powers and also to those other countries in the Security Council which have espoused the cause of righteousness. We are grateful to all of you for whatever you have done to uphold the cause of justice because, finally and ultimately justice must prevail. We believe more than ever before that justice is bound to prevail for the people for the people of Jammu and Kashmir. Five million people must have the right to decide their own future. Why should they be made an exception ?

Should the phenomenon of self determination, stretching from Asia and Africa, apply to the whole world except to the people of Jammu and Kashmir ? Are they some outcasts of an Indian society ? Are they some untouchable pariahs that they should not be given the right of self-determination, that they should not be allowed to have the right to their own future ? The great country of France permitted the Algerians to have the right of self-determination. The right of self-determination is a Wilsonian concept. The Soviet Union believes in the right of self-determination of all peoples. The whole world believes in the right of self-determination. Must it be denied to the people of Jammu and Kashmir merely because power must prevail over principle ? Power shall never prevail over principle. Finally and ultimately, principle must prevail over power. This is a Christian concept, it is an Islamic concept, it is a civilized concept. Nations which do not believe in such a concept must face the ultimate consequences.

India today is isolated. India, in spite of its size and its resources, has no one to support it openly. The whole of Asia and Africa supports the right of self-determination of the people of Kashmir. The Arab countries, at Casablanca this month, have supported the right of self-determination for the

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people of Kashmir. The European countries have supported the right of self-determination for the people of Kashmir. The Secretary of State of the United States of America, Mr. Dean Rusk, said that the historical position is a plebiscite in Kashmir. On the one hand, you have the whole world arrayed on the side of the cause of right and justice and morality and, on the other hand, you have a war machine, an arrogant and chauvinistic State breaking its pledges, breaking its promises and wanting to destroy the will and the spirit of a people. The will and spirit of our people can never be destroyed. Let me tell you: you can have one cease-fire, you can have another cease-fire, but the 100 million people of Pakistan will face extermination rather than foresake their principles or allow their principles to be negated and destroyed by sheer force and power.

Having made those remarks, I have the honour to transmit the following message from the President of Pakistan, which was received from Rawalpindi at 2 a.m. New York time—which is 11 a.m. Rawalpindi time—today:

> "Pakistan considers Security Council resolution 211 (1965), of 20 September, as unsatisfactory. However, in the interest of international peace, and in order to enable the Security Council to evolve a self-executing procedure which will lead to an honourable settlement of the root cause of the present conflict, namely, the Jammu and Kashmir dispute, I have issued the following orders to the armed forces of Pakistan:
>
> " '(1) They will stop fighting as from 1205 hours West Pakistan time today;
>
> " '(2) As from that time they will not fire on enemy forces unless fired upon, provided the Indian Government issues similar orders to its armed forces.' " (S/6699/Add. 1.)

Thus, in response to the call of international peace and international goodwill we have ordered our troops to cease

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hostilities, provided India agrees to such a cessation of hostilities.

But a cessation of hostilities is not enough. The Security Council—the most important organ of the United Nations—must now address itself to the heart of the problem. For eighteen years it has played and toyed with the future of Kashmir. It can no longer make a plaything or a toy out of 5 million people. It is the moral responsibility of the Council to address itself to a meaningful, a lasting solution of the problem of Jammu and Kashmir.

The Security Council has been seized of this problem for eighteen years. There are more documents, more resolutions on Jammu and Kashmir—the most fundamental problem facing the world today—than on any other problem. Is it not ironical that with regard to a conflict that may lead to a world conflagration—and the present situation has shown that it is possible for this conflict to lead to a world conflagration—the Council has shown its lethargy, its indolence ?

I was here a year ago, and the Council was not prepared to give Pakistan a piece of paper called a resolution. It did not even went to consider the problem. It thought that this was a dead issue, that it was dormant. This can never be a dead issue; it can never be dormant.

This is the last chance for the Security Council to put all its force, all its energy, all its moral responsibility behind a fair and equitable and honourable solution of the Jammu and Kashmir dispute. History does not wait for councils, organizations or institutions, just as it does not wait for individuals. Ultimately we shall have to be the final determiners of our own course. Let me tell the Council, on behalf of my Government, that if now, after this last chance that we are giving the Council, it does not put its full force, full moral responsibility and full weight behind an equitable and honourable settlement of the Jammu and Kashmir dispute, Pakistan will have to leave the United Nations.

We have decided to give the United Nations a last opportunity to determine what it can do towards a purposeful,

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peaceful and lasting settlement of the problem of Jammu and Kashmir. We shall give the United Nations a time-limit. Within a certain period of time, if the Security Council is not able to act in accordance with the responsibility placed on it, in accordance with its honour under the Charter—which believes in self-determination—Pakistan will have to withdraw from the United Nations.

I am not saying that in the form of an ultimatum. I am saying it as I am in honour bound to respect the very purposes of the Charter. In leaving the United Nations, Pakistan will be fulfilling the Charter. And then one-third or more of the world will be outside this Organization, and some countries which call themselves States will be members of the Security Council.

212. *Text of the speech made by Mr. Parthasarathi (India) in the Security Council meeting No. 1244 held on 22 September 1965.*

Forbearance is a quality which we have developed in dealing with our difficult neighbour Pakistan, and today I want to show more than normal forbearance in not replying to the representative of Pakistan's diatribes, to this false charges. I can only say that our withers are unwrung by his imputations.

I shall now proceed to the business before us.

As the Council is doubtless aware, the moment in passed its resolution 211 (1965) on 20 September, the Secretary-General communicated the text to the Government of India and, presumably, to the Government of Pakistan. The Prime Minister of India's reply in regard to that resolution was communicated to the Secretary-General in less than eighteen hours, agreeing to order a cease-fire at the date and time specified by the Security Council. Our reply was as prompt as was possible in the circumstances in order to avoid further loss of life and devastation, which was the greatest anxiety of the house. Till a few minutes ago we did not know whether

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Pakistan was going to accept the cease-fire or not. Now the Foreign Minister of Pakistan has chosen to come here and announce it in a dramatic fashion. Though it is on the deadline, we welcome this decision of the Government of Pakistan.

As we were listening to the representative of Pakistan, I received a message from my Government which reads as follows :

> "When two armies are locked in battle, it is impossible to bring about a unilaternal cease-fire".

I might mention that at the time the message was sent there had been no indication that Pakistan was going to accept the cease-fire.

> "It is now less than three hours before the time when the cease-fire is supposed to take effect, and we still do not know Pakistan's decision. In the circumstances, in reaffirming our acceptance of the cease-fire, the Government of India would like to inform the Security Council that we must have reasonable notice of Pakistan's agreement to order a cease-fire, and a new time should therefore be set if and when Pakistan's agreement is received."

I wanted to communicate this message from my Government so that the Council could decide at what time the cease-fire should take effect. I am sure the Council will appreciate that this is a reasonable request because orders have to be communicated to the commanders to cease fire.

213. *Text of the Speech made by Mr. Parthasarathi (India) In the Security Council meeting No. 1245 held on 27 September 1965.*

Presmably the resolution just adopted by the Security Council will be communicated to the Government of India by the Secretary-General, and my Government will no doubt give it the consideration it deserves. But I must point out in fairness

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and justice that this resolution should be addressed only to Pakistan.From the very beginning Pakistan has been opposed to an unconditional cease-fire. This is clear from the records of the Council as well as from the statements made by Pakistan's representatives in the Council.

In contrast with Pakistan's attitude, India has at every stage expressed its willingness to accept an unconditional cease-fire. This is also clear from the records of the Council, from the communications sent by the Prime Minister of India to the Secretary-General, and from the statements made by the leader of the Indian delegation. Mr. M.C. Chagla, Education Minister, in the Council.

As far back as the second week of August, as stated by the Secretary-General in his report of 3 September, the Government of Pakistan had refused to give any assurance about observing a cease-fire and the cease-fire line. To quote the Secretary-General :

> "I have not obtained from the Government of Pakistan any assurance that the cease-fire and the cease-fire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line. I did receive assurance from the Government of India conveyed orally by its representative at the United Nations that India would act with restraint with regard to any retaliatory acts and will respect the cease-fire agreement and the cease-fire line if Pakistan does likewise." [S/6651, *para.* 9.]

The President of Pakistan, in his telegram dated 5 September 1965, addressed to the Secretary-General [S/6666], stated categorically that he would not accept an unconditional cease-fire. He stated, in the penultimate paragraph of that telegram: "Therefore, insistence on a cease-fire can only be meaningful if there is a self-implementing agreement to follow it."

Pakistan's attempt to force a settlement of what Pakistan calls "the Kashmir dispute" on its own terms by threatening to continue its aggression was made even clearer by President Ayub

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Khan in his letter of 13 September addressed to the Secretary-General, in which he said :

> "While you propose a 'cease-fire without condition' you go on to add that the Security Council would, soon after the cease-fire, proceed to implement its resolution of 6 September. The provisions of the Security Council resoiutions of 4 September and 6 September that the cease-fire be followed immedietely by withdrawal of all armed Pakistan personnel to the Pakistan side of the cease-fire line and the consolidation of the cease-fire line through the strengthening of the United Nations Military Observer Group would result in restoring India's military grip over Kashmir. We would thus merely revert to the same explosive position which triggered the present conflict." [S/6683, para. 9.]

He repeated this view in his letter dated 15 September addressed to the Secretary-General [S/6683. para. 14].

On the other hand, the Prime Minister of India, in his response to the Secretary-General's appeal for a cease-fire, as expressed in his letter to the Secretary-General dated 14 September, said:

> "In deference to the wishes of the Security Council and to the appeals which we have received from many friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 6.30 a.m., Indian standard time, on Thursday, 16 September 1965, provided you confirm to me by 9 a. m. tomorrow that Pakistan is also agreeable to do so." [S/6683, para. 8.]

In reply to the Secretary-General's message of 14 September the Prime Minister of India said :

> "I reaffirm my willingness, as communicated, to order a simple cease-fire and cessation of hostilities as proposed by you, as soon as you are able to confirm

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to me that the Government of Pakistan has agreed to do so as well." [*Ibid.*, para. 11.]

On 18 September, the representative of India—the Education Minister, Mr. Chagla—challenged the representative of Pakistan to accept an unconditional cease-fire and to make a declaration to that effect in the Council [1241 st meeting, paras 154]. The only response from the Law "Minister of Pakistan was to ask the Council not to adopt the draft resolution and to warn the Council that if it was adopted "another and wider conflagration is bound to ensue." [1242nd meeting, para. 66].

India accepted a simple cease-fire under Security Council resolution 211 (1965) of 20 September 1965. Pakistan did not give any indication of its acceptance until the last minute of the timelimit allowed under the resolution of 20 September that is to say at 3 a.m. New York time on 22 September 1965. Obviously there was a reason for delaying the communication of its acceptance until the last minute. Its Foreign Minister's statement in the Security Council that the President of Pakistan had already issued orders for a cease-fire beginning at 12.05 hours West Pakistan time was made for propaganda purposes, because three hours after his statement the Pakistan Air Force bombed Amritsar, causing heavy civilian casualties. I refer to document S/6709.

In a letter dated 25 September 1965 addressed to the Secretary-General [S/6711]. I brought to the notice of the Secretary-General a number of serious violations of the cease-fire by Pakistan troops. The Secretary-General's first report on the cease-fire dated 25 September [S/6710] also proves that Pakistan troops opened fire with rifles and light machine-guns towards the Uri-Punch road from dominating positions to the west of the road. The fire was observed by a military observer.

Finally, the Permanent Representative of Pakistan to the United Nations has dispelled all doubts about his Government's determination not to observe an unconditional cease-fire, in his communication dated 26 September 1965. addressed to the Secretary-General [S/6715]. In this communication he stated :

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> "You appear to be concentrating almost exclusively on making arrangements for withdrawal of troops and re-establishing the old cease-fire in Jammu and Kashmir. In our judgement, however, military disengagement should proceed concurrently with an honourable political settlement.....Moreover, if immediate steps are not taken to bring about an honourable settlement of the Jammu and Kashmir dispute, we would be faced with the real danger of resumption of hostilities which may well lead to a conflict of much greater dimensions."

These facts prove conclusively that Pakistan started this trouble on 5 August 1965 with the intention of creating and maintaining an armed conflict with India to force a settlement of what it calls "the Kashmir question" on its own terms. It is therefore clear that Pakistan has not accepted an unconditional cease-fire and has no intention of observing it.

The issue before the Council is therefore quite clear, and that issue is to get Pakistan first to abjure the ways of force and violence and to honour the cease-fire without any mental or other reservations, as we have from the start agreed to do and as Pakistan has clearly failed to do. Until Pakistan is made to comply with the Council's call for a cease-fire, until the cease-fire becomes really effective, no useful purpose can possibly be served by any kind of discussion, in the Council or elsewhere, as to any possible subsequent steps.

What is the situation today ? All along the western border between India and Pakistan, Pakistan continues to indulge in highly provocative attacks on our troops and positions. The Council cannot possibly expect our forces to stand idly by. They have clear instructions to meet every attack with determination, in defence of their positions and themselves.

In the Indian State of Jammu and Kashmir, hundreds of armed Pakistani raiders continue to commit acts of aggression. To this day, Pakistan has not owned to responsibility for them. Instead, the Pakistan-controlled radio continues to blare forth calls to them to continue their nefarious activities and to say that these will continue, notwithstanding a cease-fire.

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In such circumstances, it would be utterly futile for the Council to waste its valuable time on questions like withdrawal. We hope the Council will take note of this fact and will confine itself to the task, first, of securing Pakistan's compliance with the call for a cease-fire.

214. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1245 held on 27 September, 1965.*

It was not my intention to take part in this debate. In response to the President's statement that he had had prolonged discussions with his colleagues, leading up to the resolution asking the parties to co-operate and to implement in full resolution 211 (1965), I had expected to refrain from making any statement. However, in view of the charges made by the representative of India, if becomes necessary for me to take the time of the Council.

I am deeply grateful to you, Mr. President, for the concern that you have shown in calling for an urgent meeting of the Council to consider the grave and serious situation that has arisen as a result of the flagrant violations of the cease-fire by India.

It will be recalled that the Council, in its resolution 211 (1965) of 20 September, called upon India and Pakistan to issue orders for a cease-fire to take effect on 22 September at 0700 hours GMT. In his letter of 21 September [see S/6699, para. 6.]. the Secretary-General informed the India representative that each party should instruct its forces to cease-fire as of 0700 hours GMT on 22 September, without condition. In spite of this unambiguous clarification given by the Secretary-General, the Indian representative sought an extension of the dead-line by eighteen hours on the pretext of a reasonable notice to the local commanders, although the President of Pakistan had, in compliance with the Security Counil resolution, issued orders to the Pakistan armed forces to stop fighting as from 1205 hours West Pakistan time (equivalent to 0700 hours GMT) on 22 September. There was no justification for

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India's delaying the cease-fire orders, but the Security Council acceded to the Indian request and granted an extension of fifteen hours. We had a sense of foreboding that India was seeking an extension of the dead-line in order to alter the military sitation to its advantage during the interval.

We regret to say that our fears have proved to be well founded. Even while the representative of India was asking for an extension of the cease-fire dead-line, the Indian forces were massing for a major offensive against Pakistan. Since then, there have been daily violations of the cease-fire agreement by India. The following serious incidents may be mentioned by way of illustration.

On 23 September, Indian forces crossed the cease-fire line and occupied a feature in the Lipa valley in Azad Kashmir. When our forces in that area told them to vacate this position, the Indians opened fire. This restarted the fighting between the two forces. Also on 23 September Indian forces occupied the village of Alhar in Sialkot sector, and seized the villages of Bhakni Dhilwae and Dogijai in Lahore Sector.

On 24 September, in the Uri-Punch sector, Indians started building a road linking Punch town with Uri. On the same day, Indian troops moved forward towards the Bambanwala-Ravi-Bedian Canal on the Karike-Buriki axis and occupied an area which was not in their possession before the cease-fire. They shelled Pakistan positions and opened up tank and small-arms fire. Shelling was continuing when the United Nations observer visited the scene at 5.55 p.m. West Pakistan time. Also on 24 September, in the Sialkot sector, Indian troops attempted to blow up the railway line near the village of Alhar ; and in Khem Karan-Husainiwala sector, Indian troops violated the cease-fire a number of times. Two patrols, each consisting of one officer and three other ranks who had crossed to the area under Pakistan control for the purpose of collecting information, were captured. Indian forces occupied Sawarwali post in the Fazilka sector, which was under Pakistan control before the cease-fire. Positions held by Pakistani troops in various sectors of Kashmir formerly

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under occupation were attacked by Indian forces. Also on 24 September, Indian forces launched four attacks in the Lahore sector and undertook two attacks in the Rajasthan sector. In the Khem Karan sector, Indian forces laid antipersonnel mines of a very brutal type in the area under Pakistan control while they moved about under white flags, pretending that they were collecting their dead.

On 25 September, Indian forces, in more than batallion strength, supported by a squadron of tanks, attacked Pakistan positions after sending an ultimatum to the Pakistan local commander, demanding that he should withdraw from positions held by him since before the cease-fire came into effect. Also on 25 September, Indian troops attacked Pakistan positions in Chananwala in Fazilka sector at 1700 hours West Pakistan time, supprted by armour and artillery.

On 26 September, Indian forces were assembling in the Rajasthan sector to launch fresh attacks on Pakistan positions; if an attack is undertaken, it will be necessary to use the Pakistan Air Force in self-defence. On the same day, Indian troops committed more cease-fire violations and occupied some places in Akhnur sector which were not occupied by them before the cease-fire. They also put in attacks supported by artillery and mortars, to seize two posts in the same sector. Similar reports were received from the Tithwal sector.

On 27 September, Indian troops made a number of attempts to occupy a feature near Shahkot. They have been shelling this area throughout the day and the shelling was still going on when last reports were received.

The Permanent Representative of Pakistan reported to the Secretary-General about these violations, through his letters of 24, 25 and 26 September, which have since been circulated as Security Council documents [S/6709, S/6712, S/6713, S/6714]. These violations of the cease-fire by India were also reported to the United Nations military observers by our military commanders. The United Nations observers were warned that, unless these attacks ceased, we would be obliged to go to the help of our troops. The United Nations observers have

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confirmed our complaints of Indian violations of the cease-fire, after due verification. Colonel Gauthier, who is in charge of a team of United Nations observers in the Lahore area, has made the following report to the Secretary-General, which has been communicated to the Council by the Secretary-General in his report on the observance of the cease-fire dated 26 September 196 :

> "I personaly went to the area of the cease-fire line with one observer in the afternoon of 24 September to investigate complaints received from local headquarters that Indian troops were edging forward of the positions they held at the time of the cease-fire. The situation started shortly after first light on 23 September. Efforts were made by us to contact the Indian Batallion Commander but to no avail. Shelling started at 17 15 hours on 24 September from the Indian side with medium and field artillery, recoilless rifle, tank and small-arms fire. From where we were standing, all fire seemed to be falling at a distance of 600 to 1,000 yards away, in the general area of a canal which is at present the dividing line between the two opposing forces. This heavy firing went on for half an hour, forcing us to take cover. On returning to Lahore I immediately asked UNMOGIP to pass a strong protest to the Vice-Chief of Army Staff of the Indian Army, which was done. I then visited the local command who assured me that no Pakistan artillery had fired..." [S/6710/Add. 1, para. 4].

That is the report of United Nations observers.

The catalogue of violations of the cease-fire by India has conclusively and irrefutably proved that the true purpose of the Indian Goverment in seeking an extension of the cease-fire time-limit was to take advantage of the extension to mount fresh attacks against our positions in order forcibly to alter the military situation to India's advantage. It is also clear that the offensive undertaken by Indian forces after the cease-fire agreement was premediated and pre-planned.

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India has also tried, by the use of armour, to escalate the conflict even after the cease-fire came into effect. Having failed in its plan to change the military situation in its favour during the extension of the cease-fire dead-line granted by the Security Council, India is persisting in its attempts to achieve this end after the cease-fire and in flagrant violation of its call for an end to hostilities and bloodshed.

Besides flagrantly violating the cease-fire, the Indian Government has intensified its acts of repression and violence against the oppressed people of Kashmir and is continuing its punitive actions against the Muslims in occupied Kashmir. As a result of the atrocities committed by Indian troops, the people of Kashmir are fleeing the State to seek shelter in Azad Kashmir and areas of West Pakistan. So far, over 60,000 refugees have crossed over and more are coming every day. Of these, 20,000 came from the occupied Punch area where the Indian forces has burned and looted the houses of the local people. In Rajaori area at least thirty villages are reported to have been burned by the Indian army. After the Indians had started the incursions across the cease-fire line in the Bhimbar section, about 30,000 people of this area were uprooted and sought asylum in Azad Kashmir and West Pakistan.

I am bringing these inhuman acts of victimization and terrorization of the people of Kashmir to the attention of the Security Council in the hope that the Council will take effective measures to alleviate the misery of these innocent people who have suffered at the hands of the Indian colonialists for no other reason than their struggle to achieve their freedom.

The catalogue of deliberate, wanton and blatant violations of the cease-fire line by India and the acts of repression against the innocent, helpless people of the Indian-occupied zone of Kashmir underline the gravity of the present situation. It is of the utmost importance that the Security Council should take immediate and effective measures to stop violations of the cease-fire by India. The Council should also ensure that India does not commit these violations again. Unless these Indian incursions into Pakistan positions are halted immediately, the situation will

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deteriorate rapidly and go out of control. We believe that India is deliberately creating these incidents and violations in order to frustrate the efforts of the Council for an honourable and enduring solution of the Kashmir problem.

It is imperative that a self-executing procedure for the settlement of the Kashmir dispute should be evolved as soon as possible. Time is running out. Events have shown that the implementation of paragraph 1 of Council resolution 211 (1965) is not enough. It is of the utmost importance and urgency that the Security Council should initiate immediate action for the implementation of paragraph 4 of that resolution and bring lasting peace to a war-torn subcontinent. I am elated to note that in the resolution which it has adopted this evening the Security Council has taken into account the importance of the underlying problem by reaffirming resolution 211 (1965), which, in paragraphs 1 and 5, makes it incumbent upon the Council to work rapidly towards a self-executing agreement which will bring to an end the dispute between India and Pakistan and achieve lasting peace between the peoples of those countries.

215. *Text of the speech made by Mr. Parthasarathi (India) in the Security Council meeting No. 1245 held on 27 September 1965.*

The Foreign Minister of Pakistan has recited a list of alleged Indian violations. Permit me, Mr. President, to give you the truth about Pakistan violations of the ceasefire, which I shall now read out from a telegram just received from my Government.

"Cease-fire violations in the Punjab and Rajasthan area since 23 September 1965 :

"1. The cease-fire violations committed by Pakistan since 0330 hours on 23 September 1965 are given in succeeding paragraphs.

"Punjab :

"Pakistan tanks surrounded our company position in an area 3 miles north-west of Khem Karan on 25

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September 1965 and demanded the withdrawal of our troops.

"One Pakistan air observer aircraft flew over our positions at Bedian at 0550 hours on 26 September 1965.

"A Pakistan battalion plus one company came into our territory in Fazilka area on 25 September 1965. United Nations Military Observer Group has been informed about the intrusion.

"Pakistan infiltrators, approximately one company strong, occupied some places on the east bank of the Ichhogil Canal in Barki area on 23 September 1965, The enemy was also seen digging in area between 5 1/2 miles west and 5 miles west-north-west of Khalra. Pakistan intruders were warned but refused to go back and were therefore forced back.

"Pakistan shelled our positions in Husainiwala from 0900 to 1300 hours on 23 September 1965.

"Rajasthan ;

"Pakistan rangers attacked RAC post at Asutar, 52 miles north-west of Jaisalmer, after 0330 hours on 23 September 1965. The attack was repulsed.

"Pakistan fired at our column moving to our post Dessa-Ka-Par on 24 September 1965. One of our vehicles was damaged. A cease-fire violation complaint has been lodged with the United Nations observers.

"The following areas in Rajasthan have been occupied by Pakistan after the cease-fire and a protest note has already been forwarded to General Nimmo : (*a*) Achchri Toba, (*b*) Kishangarh, (*c*) Dharmi Khu, (*d*) Bhuttewala, (*e*) Sarkari Tara, (*f*) Ghotaru, (*g*) Dhanana, (*h*) Longanewala.

"In addition the following places were also occupied

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by Pakistan rangers in Rajasthan at 0700 hours on 23 September 1965: (*a*) Raichandwala, (*b*) Malesar, (*c*) Pochhina, (*d*) Miajlar, (*e*) Reheri, (*f*) Himo-ke-Talai, (*g*) Kelnor, (*h*) Bedusar, (*i*) Baori.

"Pakistan troops have been intruding into our area of Builí and Mata ke Tala in Rajasthan.

"In addition there are many small intrusions in the Indian State of Jammu and Kashmir. Details of these will be communicated to the United Nations very soon."

I must once again point out that Pakistani troops in civilian disguise who crossed the cease-fire lire beginning 5 August have not ceased fire. In fact they are being told that the cease-fire demanded by the Security Council does not apply to them.

Does the Security Council or Pakistan expect India to cease fire unilaterally ?

216. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1245 held on 27 September 1965.*

We also have received subsequent allegations of violations of the cease-fire; I do not want to go into them. The main thing is that the United Nations observers have reached the subcontinent. You have observers in my country, and, I believe, you have observers on the other side.

The charges and counter-charges have been made to the observers, and they have investigated them. All three reports submitted by your observers have clearly stated that Indians have been responsible for the violations of the cease-fire. There is document S/6710, dated 25 September 1965, which clearly establishes from your observers' report that India has violated the cease-fire.

Then there is another document—S/6710/Add. 2, dated 26 September 1965—in which the United Nations observers have again clearly placed the blame on India for the violations of the cease-fire.

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A third document, which has recently been circulated—that is, document S/6710/Add.1, dated 26 September 1965-again states that India is responsible for the cease-fire violations.

I would like to repeat the more recent information that has been given me of violations by India of the cease-fire. Your observers are there, and they will report to you impartially on who is violating the ceasd-fire.

We have agreed to abide by the cease-fire; we intend to abide by the cease fire. But we also believe sincerely and genuinely that permanent peace can be achieved only if the Jammu and Kashmir dispute is tackled and settled between the two countries.

As I told you the other night, there had been a cease-fire before. There is a cease-fire now; we will try to implement it. We will do our very best. But its effective, proper, and final implementation can come only when the Jammu and Kashmir dispute is honourably settled.

217. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1247 held on 25 October 1965.*

The consideration of the India-Pakistan question by the Security Council has now reached a stage which will be decisive, as much for the issue of war or peace in South Asia as for the effectiveness and authority of the United Nations. I base this statement on the request we made for this meeting and on India's response to it, as indicated in the letter of the Permanent representative of India to the United Notions [S/6823].

I am grateful to the President and the other members of the Security Council for having convened this meeting, at our request, to consider the rapidly deteriorating situation between India and Pakistan. The reasons which prompted our request were the virtual collapse of the cease-fire and the total disregard by India of the letter and spirit of Council resolution 211 (1965) of 20 September 1965.

This resolution provided for various essential measures to facilitate an honourable settlement of the political porblem

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underlying the conflict between India and Pakistan—namely, the Jammu and Kashmir dispute. It was stated authoritatively in the Council that the resolution stood as a whole and had to be implemented as such. It represented the Council's commitment to secure a peaceful settlement of the dispute. That was emphasized by the members of the Council and also by numerous Member States speaking in the general debate during the current General Assembly session.

What is India's attitude to that commitment? As far as the world is concerned, today India has unmasked itself. It has said that it is not prepared to participate in the Council's deliberations if these go beyond paragraph 1 of resolution 211 (1965). In other words, it shows contempt for the Council's resolution and the Council's authority. That fact is so plain that it needs no elaboration.

The Council is told that Jammu and Kashmir is an integral part of India and that any discussion relating to it amounts to a gross interference in India's internal affairs. That is to say, the Council's deliberations for eighteen years, extending over more than 100 meetings, with all the statements made by its members, the resolutions adopted, the pledges given, the commitments solemnly entered into—all these are to be expunged because India has decided to annex Jammu and Kashmir and unilaterally to repudiate all its obligations. In the history of the United Nations, has any Power—South Africa included—gone further in its brazen defiance of the world Organization?

It is for the Council to deal with that defiance. Meanwhile, I shall proceed with reporting the present situation as we see it.

When the Council met on 27 September [1245th meeting] to consider the situation, it did so as result of the Secretary-General's report that the cease-fire agreed to unconditionally by the Governments of India and Pakistan was not holding. The Council reaffirmed its previous resolutions and demanded that the parties urgently honour their commitments to the Council to observe the cease-fire and withraw their forces as

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necessary steps in the full implementation of resolution 211 (1965).

Nearly a month has elapsed since the Council adopted its last resolution, but the cease-fire continues to be unstable and negotiations have still to begin on withdrawal of troops and a settlement of the political problem with regard to Jammu and Kashmir. In our submissions before the Council, we have consistently affirmed that, while a cease-fire and withdrawal of troops must necessarily form a part of the effort to reach a permanent settlement of the Jammu and Kashmir dispute, it was unrealistic, in political terms, to divorce the problem of the cessation of hostilities from that of settling the Jammu and Kashmir dispute.

The reason for this is not far to seek. One of the parties considers the cease-fire as something which merely facilitates its continued hold on the greater part of the State of Jammu and Kashmir. It is therefore unwilling to allow such stabilization of the cease-fire and withdrawal of troops as would permit the Council, as well as both parties to the dispute, to proceed with the task of finding a peaceful settlement of the dispute. It is for this reason that my delegation has constantly urged that the Council would be defeating even the immediate purpose which it had in mind if it allowed India to escape with the impression that the Council had resigned itself to the continuance of the *status quo* in Jammu and Kashmir.

It is also on this account that my Government has always urged the Council to remind the parties not merely of their duty to refrain from the use of force in contravention of the United Nations Charter, but also of their responsibility to honour and implement in good faith the obligations and commitments undertaken by them under the United Nations resolutions which lay dawn the accepted and agreed solution of the Jammu and Kashmir dispute.

In its resolution 221 (1965) the Security Council demanded that India and Pakistan should issue orders for a cease-fire to take effect on 22 September at 7 a.m. PMT. Pakistan

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complied—see the letter dated 22 September 1965 from the Permanent Representative of Pakistan to the United Nations [S/6699/Add. 1] India asked for an extension of the dead-line by eighteen hours on the pretext of giving sufficient notice to local commanders. The Council agreed to extend the time-limit by fifteen hours. As we expected in Pakistan, India utilized this opportunity to improve its military position. While pretending to get ready for a cease-fire, India moved an entire division against Khem Karan, on the Indo-Pakistan border, in a frantic bid to regain lost ground. Simultaneously, it launched major offensives in the Wagah, Sialkot and Fazilka sectors. Most of these actions were, however; thwarted as a result of the vigilance of our Army commanders and the stiff resistance of the Pakistan troops.

Even after the cease-fire, there was no letup in India's aggressive attitudes and activities. India has been flouting the cease-fire agreement by folloing a deliberate and systematic plan to seize forcibly as much territory as possible. It has also been endeavouring to improve its position on the actual line of control by creeping forward and occupying areas which it failed repeatedly to capture during the war.

Since 23 September there have been a large number of violations of the cease-fire by Indian forces in Jammu and Kashmir and against Pakistan territory. These have been reported to the United Nations observers by our military authorities and to the Secretay-General by our Permanent Representative to the United Nations. In spite of their endeavours, the United Nations observers have not been able to ensure effective observance of the cease-fire or vacation of territory seized forcibly by India since 23 September. It is no wonder that the Secretary-General is concerned about the deterioration in the situation and the mounting tension in various sectors of the battle front and that he has come to the conclusion that "the existence of the cease-fire must be considered precarious.

At the 1245th meeting of the Security Council, on 27 September, I mentioned some of the breaches of the cease-fire

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committed by India between 23 and 26 September. I also drew the attention of the Council to the first three report of the Secretary-General which showed that our complaints were well founded [S/6710 and Add. 1 and 2]. The Council was naturally concerned over this state of affairs and again called for strict observance of the cease-fire. Let us see how far India has complied with the Council's directives.

Since 27 September there has been no diminution either in the number or in the gravity of breaches of the cease-fire committed by India. Numerous complaints have been filed by our military authorities, of which only a small proportion have been investigated so far by United Nations observers. Their reports, however, leave no doubt as to India's responsibility for proved violations of the cease-fire. I shall not weary the Council with details of all the cases investigated by the United Nations observers, but I should like to invite the Council's attention to some of the major breaches of the cease-fire which India has committed during this month and which have been dealt with in the Secretary-General's reports of 18 October [S/6710/Add. 4] and 23 October (S/6710/Add. 5]. In the Domel-Tangdhar sector, on 6 October 1965, the Indians launched a major offensive at the Jura and Shahkot bridges in the presenec of United Nations observers. This fact is borne out by the Secretary-General's report of 18 October, from which I quote :

> "Observers stationed at Jura reported that the, Jura and Shahkot bridges had been shelled and attacked by Indian troops at 1045 hours on 6 October...A later report from the observers, received on 13 October, indicated that Indian attacks at those bridges had continued in the presence of the observers and that Pakistan troops had returned the fire...In view of the heavy mortar firing, the observers had to withdraw west of Jura." [S/6710/Add.4, para. 12.]

An Indian operational order captured by Pakistan forces during this fighting reveals that the 19th Indian Division stationed in Indian-held Kashmir was ordered to clear the bulge

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east of the river Kishenganga and to dominate the river line. Three Indian battalions were used to destroy the Jura and Shahkot bridges, supported by medium, field and mountain artillery. Helicopters were also used for logistic support. A photostat copy of the skeleton operational order as noted down by the Indian Commanding Officer of the 4th Battalion, the Kumaon Regiment, who took part in this operation, is being distributed for perusal by the members of the Security Council [S/6828]. This Indian operation continued for more than ten days, in total disregard of India's cease-fire commitments and the intervention of United Nations observers. This premeditated attack has created an extremely dangerous situation, the consequences of which will have to be borne by India and by India alone.

In the Kotli-Naoshera sector, on 7 October, Indian troops, supported by artillery, attacked Pakistan positions on the Indian side of the cease-fire line in the Khuiratta-Jhangar area. Again this aggression took place in the presence of the United Nations observers, who confirmed that the Pakistan position mentioned in our complaint had been attacked by the Indian troops at 0140 hours and at 0215 hours during the night of 6 to 7 October, and that Indian troops again shelled the Pakistan area between 0625 and 0925 hours on 7 October. They also reported that two of the Pakistan positions had been occupied by Indian troops on the night of 7 October and retaken by Pakistan forces later in the same day. Paragraph 22 of document S/6710/Add. 4 refers to this incident.

In the Uri-Punch sector, the Indians are building a road linking Punch town with Uri, thus committing a serious violation of the cease-fire. The United Nations Military Observer Group has been informed of this violation and of the fact that Pakistan forces will have to take action to prevent the construction of the road.

With regard to the Chhamb sector, as is now well known, on 29 September the Indian local commander issued an ultimatum to Pakistan forces in the Chhamb sector to vacate areas under Pakistan control, failing which Indian forces would

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launch an offensive action. The Indians launched a well coordinated attack on 1 October in the area between the 81 st and7 4th Northings. This area has been in the possession of Pakistan forces since before the time of the cease-fire. The above facts have been substantiated by the United Nations observers in the area, as can be seen from paragraph 11 to 21 of the Secretary-General's report of 7 October [S/6710/Add. 3].

In Pakistan, the Indians have been reorganizing and regrouping their forces in front of the Lahore Sialkot and Kasur sectors, contrary to the spirit of the cease-fire and they continue to disregard the interventions made by the United Nations observers, as can be seen from paragraph 46 of document S/6710/Add. 4. This paragraph states :

> "On the morning of 13 October, between 0920 and 1000 hours Indian troops fired with tank and field artillery at Pakistan positions in the Sipton area on both banks of the Canal. The observers saw no reaction from Pakistian artillery, but believed that there was an exchange of small-arms fire. At approximately 1005 hours the firing stopped and the observers took this opportunity to place their jeep with the United Nations flag on the west bank of the Canal in full view of both sides. Nevertheless, firing was resumed by Indian troops with artillery anti-tank guns and recoilless rifles and lasted nearly one hour."

In the Ferozepore sector, in violation of the ceasefire agreement, India brought the 23rd Infantry Diviston, equipped through United States military aid, from the north-eastern frontier of India to Ambala, an Indian military station close to West Pakistan. A few days ago this division was moved to Ferozepore. All the evidence indicates that India intends to launch an attack on the Khem Karan sector, which has been in the occupation of Pakistan forces since before the time of the cease-fire.

In the Sulaimanke sector, on 4 October Indian forces engaged our posts at Sandarke with heavy guns and small-arms fire, which created an extremely tense situation.

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The Rajasthan sector, according to the Secretary-General's report dated 23 October, is considered by the Chief Officer of of the United Nations India-Pakistan Observation Mission "to be probably the most potentially dangerous sector of the conflict between India and Pakistan" [S/6710/Add. 5, para. 2].

Indian forces in the Rajasthan area have made repeated attacks in pursuance of a deliberate and systematic plan to seize territory which has been under Pakistan control since before the cease-fire came into effect. On the morning of 7 October 1965, Indian forces in approximately battalion strength attacked our post at Raichandwala, which has been in our occupation since before the cease-fire. They used mortars and medium machine-guns. On 9 October, the Indians attacked Kelnor, an outpost on the Indian side of the border held by Pakistan since before the cease-fire. This breach of the cease-fire has been confirmed by the United Nations observers, as can be seen from paragraph 70 of document S/6710/Add. 4.

On 12 October, the Indians attacked our position at Ghotaru. These attacks have been confirmed by United Nations observers in the area, as can be seen from paragraphs 66 and 67 of document S/6710/Add. 4.

On 14 October, the Indians attacked the Pakistan-held village of Nawatala. This is confirmed by paragraph 71 of the Secretary-General's report dated 18 October [S/6710/Add. 4] and by paragraph 8 of his report dated 23 October [S/6710/Add. 5.], which reads ;

> "On 15 October also, an observer in the Chor-Barmer sector who had proceeded to the village of Nawatala reported that the village had been attacked on 14 October by Indian troops and occupied by them the next day. When the observer told the Indian major that the village previously had been definitely occupied by Pakistan troops, the Indian local commander replied that he had instructions to clear Pakistan infiltrators from Indian territory. The observer later received the same reply from the Indian battalion and brigade commanders..."

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This shows India's respect for the cease-fire.

On 15 October, the Indians, after capturing a Pakistan-held post at Kelnor, crossed the Indo-Pakistan international boundary near the village of Bhame Jotar, which is well within Pakistan's territory. This constitutes not only a serious breach of the cease-fire, but also an act of aggression against Pakistan.

Our Army authorities informed the Chief Officer of the United Nations India-Pakistan Observation Mission on 18 October that Indian forces in the Rajasthan area were being reinforced by one fresh infantary division. These reports were confirmed by United Nations observers, who informed General Macdonald on 11-22 October that there had been "a substantial build-up...in the Jaisalmer sector" [S/6710/Add. 5, para. 13].

The threat of Indian aggression is, however, not over. The Indian Chief of Staff has agreed "to stop offensive action and forward movement" [*ibid.*, para. 14] only pending consultations with his Government. I must make it clear to the Council that if India proceeds with its evil intentions and launches an attack on our positions in Rajasthan, the armed forces of Pakistan will take whatever military action is deemed necessary in this and other sectors of the war front.

In a futile attempt to justify her aggressive action in the Rajasthan sector, India has been asserting that Pakistan held only the border outpost of Munabao in Rajasthan when the cease-fire came into effect. This Indian lie has been finally nailed by the Secretary-General in his report dated 8 October [S/6710/Add. 4]. I invite the Council's attention to paragraph 68 of the report, in which the Secretary-General categorically states that "The above-mentioned positions under attack by Indian troop"—Malesar, Raichandwala and Ghotaru—" are located in the area held by Pakistan forces.

Again, in paragraph 70, of the same report, he refers to Kelnor, which was attacked by Indian forces, as "a Pakistan-held position near the border on the Indian side. And then, in paragraph 71, when the Secretary-General reports the Indian

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seizure of Nawatala, it is made clear that this area "had been definitely occupied by Pakistan troops.

Apart from the above serious cease-fire violations in Jammu and Kashmir and along the Indo-Pakistan borders, the Indians have committed inhuman atrocities on the civilian population in parts of Pakistan which are under their occupation. Acts of barbarity being committed by Indian military authorities against Pakistani prisoners of war have been reported to the Secretary-General. Documents captured by the Pakistan forces reveal that the Indians are violating the Geneva Convention relative to the Treatment of Prisoners of War. Wounded Pakistani prisoners of war have not been given adequate medical treatment, and some have been killed in the Rajasthan and Fazilka sectors. All such cases have been brought to the notice of the United Nations Observation Mission in the hope that it would be able to prersuade the Indians to abide by the Geneva Convention and to accord humane treatment to the prisoners of war.

The Security Council, in its resolution 211 (1965) of 20 September, called for the withdrawal of armed forces subsequent to the coming into effect of the cease-fire. In identical telegraphic messages sent to the Governments of India and Pakistan on the same day, the Secretary-General stated *inter alia* : "I request your plan and schedule for the indicated withdrawal of your troop. [S/6599, para. 3.].

Again, the Secretary-General, in his telegram dated 23 September 1965 to the Prime Minister of India the President of Pakistan, said :

> "...it is my duty to inform you that I expect to receive from you at a very early date your plan and schedule for the required withdrawal of any of your troops that are now on the wrong side of these lines". [S/6699/Add. 2, sect. II.]

Pakistan's response to the Secretary-General's request was positive and constructive. The Permanent Representative

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of Pakistan to the United Nations, in his letter to the Secretary-General of 26 September [S/6715] pointed out that :

> "...no withdrawal can take place until it has been jointly agreed to by representatives of the two armed forces and a mutually accepted programme of withdrawal has been prepared.

The Indian reply and subsequent communications to the Secretary-General, on the other hand, were contentious and designed to delay the withdrawal as long as possible and to provide India with excuses to resile from any plan of withdrawal that may be formulated whenever it suited India.

In his letter of 13 October [S/6719/Add. 2 para. 4] to the President of Pakistan and the Prime Minister of India, the Secretary-General expressed his concern over the fact that "the withdrawals...foreseen in the Council's resolutions...have not taken place. In this letter, the Secretary-General put forward two possible courses of action ; first, that :

> "...each party might find it possible to formulate its own plan, and schedule of withdrawal and that the respective time schedules might be co-ordinated with the assistance of United Nations military observers.

Alternatively, the Secretary-General suggested that :

> "...appropriate military representatives of each side be brought together by and with an acceptable representative to be designated by me to meet either in the area or at United Nations Headquarters for the purpose of formulating an agreed withdrawal plan.

Pakistan took a practical approach to the problem and accepted the second alternative suggested by the Secretary-General. It was also recommended that the meetings should be held in the subcontinent rather than at United Nations Headquartes, as all the relevant information would be more

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easily available in the subcontinent, and senior military officials could take part in these meetings.

Let us now look at the Indian reply to the Secretary-General's proposals. The Prime Minister of India, in his letter of 18 October 1965 [S/6810] stated that: "...since a cease-fire has not yet been effectively established, the stage for a planned schedule of withdrawals over the entire area of conflict has not yet arrived". This is tantamount to saying that withdrawals cannot take place before the cease-fire becomes effective. The Council has already heard the extent to which India is observing the cease-fire agreement. India's deliberate and continuous violations of the cease-fire might very well be used to block withdrwal of forces. The tactics used by India to thwart demilitarization of Jammu and Kashmir since 1948 are likely to be repeated here again. I am sure that the Council will see through the Indian designs and machinations and will not let India once again flout the will of the United Nations on one false pretext or another.

In a letter of 22 October to the Permanent Representative of Pakistan to the United Nations, the Secretary-General welcomed our favourable response to his suggestion. He proposed to send Major-General Syseno Sarment of Brazil, Commander of the United Nations Emergency Force in the Middle East, to the area at an early date to visit both capitals and to arrange for representatives of India and Pakistan to meet at some mutually agreed place, possibly near the front lines, and to seek agreement on a plan and schedule for the withdrawals by both parties. We have accepted the proposal. India's reply is still awaited.

The record is open for all to observe. The only logical conclusion is that India is flagrantly violating the cease-fire and then using the ineffectiveness of the cease-fire as a means to frustrate any plan for withdrawal. Pakistan accepted the cease-fire in good faith and has taken no offensive action since it came into effect. But surely we cannot be expected to carry out the cease-fire unilaterally and then follow it by a one-sided

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withdrawal. The Security Council must also bear in mind India's past record when it frustrated all the attempts made by the military sub-committee of the United Nations Commission for India and Pakistan to effect demilitarization in the State of Jammu and Kashmir. India must not be permitted to repeat its past tactics with regard to withdrawal of troops and once again hold up the implementation of Security Council resolutions. If the Security Council is determined to implement it resolution 211 (1965), it should compel India to show respect for the cease-fire and co-operate with the Secretary-General in implementing the withdrawal provisions of the Council's resolutions.

I must remind the Council that a cease-fire and withrawal of troops are, in the words of Council resolution 211 (1965), only the first essential steps towards a peaceful settlement of the outstanding differences between India and Pakistan with regard to Jammu and Kashmir. The Council must now address itself to this basic problem.

As the President of Pakistan has pointed out in his communication to the Secretary-General of today's date [S/6825]:

> "To effect a cease-fire and withdrawal of troops would be dealing only with symptoms, not the disease. Present indications are that, unless the Council gets down to dealing with the root cause of the conflict, the present cease-fire may prove to be only a shortlived lull in fighting. The institution of a Security Council Commission such as we have proposed would be evidence of the determination of the Council to see the conflict urgently and peacefully, resolved, a fact which should result in a lowering of tension in the subcontinent and thereby help to strengthen the expectation that the cease-fire would endure."

The need for prompt action under paragraph 4 of Council resolution 211 (1965) has become more urgent than ever on account of the large-scale arrests by India of political leaders in

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Jammu and Kashmir and the expulsion of thousands of people who opposed Indian rule. It is a fact, which many impartial observers have attested to, that almost simultaneously with the cease-fire India let loose a reign of terror in the occupied portion of Jammu and Kashmir.

In a letter addressed to the President of the Security Council on 18 October 1965 [S/6810], the Permanent Representative of Pakistan to the United Nations drew attention to the situation which prevails in that unfortunate land. He quoted from the dispatches sent by correspondents of a number of reputable and well-known newspapers to show the brutality with which the Indian occupation authorities have set upon the people of Jammu and Kashmir. As the Council can visualize, there are stringent restrictions on Press dispatches from Srinagar. Yet stories are beginning to trickle out which give us some idea of the extreme measures employed by India to wreak vengeance on the people of Jammu and Kashmir...

218. *Text of the speech made by Mr. Swaran Singh (India) in the Security Council meeting No. 1247 held on 25 October 1965.*

Mr. President, although you have been good enough to recognize me on a point of order, may I take this opportunity, because I am addressing the Council for the first time, to place on record our appreciation of the efforts of the Council and also of the very distinguished and able Secretary-General to bring about a cease-fire and to restore peace in the subcontinent.

In the letter of the Permanent Representative of India to the United Nations dated 24 October 1965 [S/6823] the position of the Government of India was made clear with regard to the raising of matters which amount to gross interference in the internal affairs of India. Now the Foreign Minister of Pakistan is raising those matters which refer to the internal situation in the State of Jammu and Kashmir and is mentioning metters which are exclusively within the internal jurisdiction of India. Therefore, these matters are not relevant to our discussions here today.

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At the beginning of the meeting, the President made it clear that this meeting of the Council was being convened in order to discuss two matters: first, the deterioration in the cease-fire, and secondly, the question of the withdrawal of armed personnel. Even the framework and the scheme of the Security Council resolution clearly indicate that the first stage is that of effecting a cease-fire, and thereafter comes the question of bringing about withdrawals. Therefore, the only relevant question before the Security Council at this stage, and this is also covered in large measure in the report of the Secretary-General, is this question, namely paragraph 1 of Security Council resolution 211 (1965). The only point for consideration, therefore, is the position of the cease-fire at the moment, what steps, if any, are required to strengthen it, and what measures should be taken to bring about a withdrawal. The Council thus faced with the problem of stabilizing peace and with the problem of effecting disengagement.

Therefore, if at this stage matters are raised which are of a political character and pertain to the exclusive sovereign jurisdiction of India—matters which relate to the maintenance of law and order or any other action that is taken in the exercise of normal sovereignty by India in the State of Jammu and Kashmir—they are not germane to the discussion and they are not relevant.

In veiw of the ruling that the President has already given that the remarks of the representative of Pakistan were about matters which were extraneous to the two issues which the President enunciated at the beginning of the meeting, I would request the President to call upon the representative of Pakistan not to mention such matters. We are participating in this discussion on the distinct understanding that the only two issues that are being discussed at the moment are, first, the stabilization of the cease-fire and second, what further steps, if any, are to be taken for the withdrawal of troops and the withdrawal of all armed personnel. I shall not go into any detail, but I should like to make our position clear on this issue,

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219. *Text of the speech made by Mr. Bhutto (Pakistan) in the Security Council meeting No. 1247 held on October 1965.*

We have heard the procedural debate with great interest and we are happy that it has been satisfactorily resolved in the high interests of the Security Council itself.

Many impartial observers have attested to the fact that almost simultaneously with the cease-fire, India let loose a reign of terror in the occupied portion of Jammu and Kashmir In a letter addressed to the President of the Security Council on 18 October 1965 (S/6801), the Permanent Representative of Pakistan to the United Nations drew attention to the situation which prevails in that unfortunate land. He quoted from dispatches sent by the correspondents of a number of reputable and well-known newspapers to show the brutality with which the Indian occupation authorities have set upon the people of Jammu and Kashmir.

As the Council can visualize, there are stringent restrictions on Press dispatches from Srinagar; yet stories are beginning to trickle out which give us some idea of the extreme measures employed by India—the representatives of which are absent this evening because they do not want to hear the truth—to wreak vengeance upon the people of Jammu and Kashmir. A dispatch by the special correspondent of the Paris daily *Le Figaro* contains the following account of his meeting with some of those who have escaped the Indian terror :

> "An angry young man grabbed my arm and told me the story of his village, Mandi, somewhere in the vicinity of Punch. 'Indians have cut off the breasts of our girls and held them up, saying, "Here is your Pakistan". Seven members of my family have been taken by the soldiers and butchered', he went on with tears in his eyes. Another man interrupted: 'They locked people in their houses and set fire to them. The whole village has been burnt'.

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"This morning I visited another refugee camp further up in the north. Here again I had the same accounts from fleeing villagers. One of them, a bearded man, told me how his village had risen against the Indians five or six months ago. 'Twenty men of our village were participating in action against the Indian Army. What kind of action? Sniping at passing soldiers, blowing up bridges. Eighteen days ago the Indians launched an attack against our village, and after a fight they entered it and burned all the houses, killing everyone in sight'. He said he had escaped with his two sons, his daughter and his wife. He did not know where the others were and how many survived."

And that is why the Indian representative is not here this evening to hear this tragic story.

The correspondent of *Le Figaro*, who has no direct interest in the subcontinent, continues :

"A little girl, aged about twelve, was standing beside a tall man wearing a blue shirt. She was firmly gripping the man's hand. 'We found her wandering alone in the jungle', he told me. 'She was keeping the cattle when the Indians came up and burned her village. So she fled alone, without knowing what happened to her brothers and sisters and family."

And that is why the Indian representative is not here tonight to hear these stories, these tales of woe, to hear what they are perpetrating against the people of Jammu and Kashmir.

The same correspondent says that the refugees from Indian-occupied Jammu and Kashmir keep asking questions, and he quotes them :

"Why are we treated like that? What have we done? Who has given you the right to behave with us in such

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manner? Why do you help India? All we want is to be free from India and to go back to our homes and to our honour.

This is what was told to the correspondent of *Le Figaro*, and this is why the Indian representative is not here tonight to hear the truth.

The magazine *Newsweek*, of New York, in its issue of 11 October 1965 reports a tour of camps of refugees from Indian-held Jammu and Kashmir by its correspondent. The journal writes:

> "There, reported our correspondent, he heard tale after tale of Indian atrocities against Moslems in Jammu and Kashmir. 'I talked to the people at random and they all told stories of India's butchering Moslem families, burning down villages, raping and torturing villagers."

And that is why the whole Indian delegation is not here tonight—because impartial observers are talking of the rape, the burning of villages, the genocide and the horrors that are being perpetrated. That is why they have left your chamber tonight in an unprecedented fashion.

The *Newsweek* article continues:

> "A ten-year-old girl told me she saw her parents shot. One woman, sobbing and hysterical, said her small children were cut into pieces and her husband taken away when Indian troops attacked her village."

That is why India is absent tonight: because they do not want to hear the truth, they do not want to hear of the ghettos and of the horrors that have been taking place in Jammu and Kashmir.

The Delhi correspondent of the *Daily Telegraph*, in a dispatch about Indian-occupied Kashmir, said this on 12 October 1965,

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"Resentment and hatred are growing against the Indian army in Kashmir as it is burning the houses of those person who are charged with helping and hiding guerrillas."

That is why the Indian delegation is absent tonight.

The facts are so overwhelming in their detail that it is impossible for me to do them justice in this presentation, What has been reported in the Press is inevitably only a fragement of the reality which, were it visualized here, would so stir the Council's conscience as to bring immediate condemnation on India. And India, fearing that all the truth would be told, brought about an unusual and extraordinary procedural debate in which it had no right to be a party. For the first time in the history of the Security Council, it brought about a procedural debate to thwart the disclosure of the truth, to suppress the facts, to make reality out of the falsehood of its policies. That is why they are not here tonight—not because of procedural technicalities or legal niceties, but because under the bright lights of the Security Council they cannot stand the truth, they do not want to know what they are doing to the people of Jammu and Kashmir. They are not prepared to hear of their atrocities; that is why their seats are vacant. They do not have the courage to hear of the atrocities and the barbarism they are perpetrating against the people of Jammu and Kashmir. It is not because of the procedure, it is not because of the procedure, it is not because use in their conscience and in their hearts they know that they are following a barbaric, a Nazi-like policy against the people of Jammu and Kashmir.

The harrowing tales which are related of Indians murdering all the young men and abducting the women are corroborated by the fact that the refugees pouring into Azad Kashmir are by and large old men, and women and children below the age of ten. Young men and women are conspicuous by their absence in the Azad Kashmir refugee camps. The people of Rajaori District, who had declared for freedom

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after the call to arms by the Revolutionary Council, are being subjected to unheard-of atrocities. The borders of this district and Mendhar area have been almost sealed by the Indians and the entire population is facing the prospect of annihilation at the hands of Indian soldiers.

It must be recalled here that, in the motnh of August, Indian troops burnt down the town of Mandi and twelve adjoining villages. Three families of Muslims in village Bedar Balnoi were burnt alive in their houses and many Muslims were shot down by Indian soldiers in cold blood in the presence of their families. Several girls were also abducted in the same village. Similar barbarites were committed in other villages in Muzaffarabad, Rawalkot and Mirpur sectors. And because the Indians have no answer, that is why they are not here tonight.

The entire Batam in suburb of Srinagar inhabited by Muslims was set on fire and razed to the ground. Many Muslims were burnt alive in this suburb by the Indian Army. This burning was reported by the correspondent of the *Washington Star* in the paper's issue of 1 September 1965:

> "During the past three weeks hundreds of Kashmiri houses have been burned to the ground—about 440 in Srinagar alone and scores of others in from fifty to seventy villages scattered throughout the valley···
>
> "Indian officials claim Pakistani infiltrators started fires. But both extremist and moderate Kashmiris and the victims themselves, interviewed while digging in the smouldering wreckage, claim the Indian army was responsible."

The Indian army was responsible for the destruction and devastation and for setting Kashmiri towns and villages ablaze, for abducting women and children and for tearing the breasts off women. I do not say that as the Foreign Minister of Pakistan: that is what the *Washington Star* says, a United States newspaper of a country which is friendly to both India and Pakistan and which would like to see a settlement.

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What is the difference between the extermination of the Jews in Europe by Hitler and the extermination of Muslims by Indian bayonets in Asia? Is there any difference? Are we to have a double standard ? After twenty years of the ghettos of Poland we are still reminded of the horrors and atrocities committed against the people of Europe by Hitler. Men, women and children were killed, torture was inflicted. Is torture in Europe different from torture in Asia ? Is death in Europe different from death in Asia ? If people die in Europe is it different from people dying in Asia ? Are they not human being in Asia ? Do they not feel the same pain ? Mr. President it is for you and your august Council to answer these questions.

This explains why there has been an exodus of about 75,000 Kashmiris so far from Indian-occupied Kashmir. There are extremist fanatical organizations in India, called the RSS and Jan Sangh, and the ruffians and hooligans in their service have been armed by Indian authorities to carry out the heinous design of exterminating those who resist the Indian occupation. If this is a falsehood, the Indian Foreign Minister should be here to deny that charge. I say with all solemnity and with all the sovereignty of 100 million people of Pakistan that that is not a false charge. There is not a iota of exaggeration in this charge. If this is incorrect, the Indian Foreign Minister should be sitting here to deny this charge on behalf of his people. But the Indian representatives have fled. Why have they fled ? Is the Indian delegation not capable of answering these charges ? The Indians are very good at forensics. They are philosophers. We know that they are very capable of using pretty words. Why are they not here ? They are not here because they cannot answer the charges of the Government of Pakistan or of the people of Pakistan, they cannot satisfy the conscience of mankind about these atrocities and barbarous acts, about the tragedy and the upheaval that they have brought about on the subcontinent of Asia, about the trouble that they have created in Asia. They are not here because they have no conscience, they have no integrity, they have no words. They are estopped from answering for what they have done to the people of Jammu and Kashmir.

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As I have said, more than twenty years have passed since the Nazis executed their programme of exterminating the Jews in Germany. We still read the stories of those horrors and the world tries to salve its conscience by description and dramatization of those bestial acts. Today, despite the existence of the United Nations, despite the Convention on the Prevention and Punishment of the Crime of Genocide, despite all the talk, with its intervals of ten minutes, about the sacredness of human life, India is perpetrating similar acts in Jammu and Kashmir. Will the world remain unmoved. Will it refuse to stir because the people involved are so distant from the air-conditioned Headquarters of the United Nations? Are we all to be so shackled by our inhibitions, so bogged down in expediencies and so crippled by our calculations of power interests that the blood that is being shed in Jammu and Kashmir, the families that are being torn apart and out asunder, the voices that are being throttled, will bring forth no response from us? The ghettos of Poland live as a painful and fearful memory, but the ghettos of Jammu and Kashmir are stinking to high heaven with human flesh, ripped asunder by a monstrous and habitual aggressor, determined to destroy, like a bloodthirsty barbarian, all that stands in his way—the beauty and the life of Kashmir, the living and the dead, the truth and the reality.

Pakistan will not stand by and allow India to carry on these monstrous acts in the State of Jammu and Kashmir, where 5 million people live. If the United Nations remains unmoved and unconcerned, Pakistan will take up the challenge and will be prepared for the ultimate consequence of life or destruction, of honour or extermination.

This attempt by India to take advantage of the cease-fire in order to exterminate the population of certain areas in Jammu and Kashmir is one part of the human reality which is unfolding before us. The other is the resistance movement in the Indian held area and the barbarous response to it from the Indian Government. Let me now give the Security Council an idea of the situation in Indian-occupied Jammu and Kashmir, particularly in the valley of Kashmir, which has deteriorated rapidly since the cease-fire. This is why the Indian

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Foreign Minister has absented himself from the deliberations of the Council meeting, although he has come all the way from Delhi. The Indian representatives do not want to hear the truth. The *Guardian* at London stated on 22 October :

> "Day by day come reports from Srinagar—many of them attested by Indian sources—of student demonstrations, riots, police firing, use of tear gas, throwing of grenades, closing of schools and colleges."

Mr. President, you are an academician connected with a University, and here we see that schools and colleges are being closed in order to perpetuate Indian terror. The article continues :

> "The Indian Government, having earlier this month arrested more fiery opposition leaders in Kashmir, yesterday turned its attention to Maulana Masoodi and Mr. Karra who want Kashmiris to use non-violent means of persuading the Indian Government to consult them about who they want to be ruled by. Now all leaders, disunited about methods as they have been, are united in being prisoners."

The correspondent of *The Times* of London stated on 22 October :

> "Leaders of all political groups opposed to present Indian policies in Kashmir are behind bars : Sheikh Abdullah",—whose son sits in my delegation—"overtly pro-Pakistani leaders, and now those who have tried for years to steer the Valley away from violence and who have sought some middle way, where, in fact, there was none."

The dispatch in *The New York Times* on the same date commented that the arrests had virtually wiped out the leadership of the Kashmiri people. It quoted authoritative sources as saying that "the Government had 'ample evidence' that the

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men had been maintaining close ties with Pakistani infiltrators". The same dispatch added : "In an interview last week, D.P. Dhar, Kashmir's Home Minister, said the Government had no evidence that Mr. Masoodi and Mr. Karra were guilty of collaboration with the infiltrators."

If one examines the reports of Indian statements regarding the so-called unfiltrators which have appeared in the world Press, a pattern emerges which is revealing of the truth about the resistance movement in Jammu and Kashmir. Since this movement encompasses the entire population of Jammu and Kashmir and involves both the Azad and the Indian-occupied territories, it is natural that the Indian Government should get involved in perpetual contradictions when it seeks to establish that all the trouble is the work of agents from Pakistan. At first they said that the guerrillas had no local support. Then they conceded indirectly that they had some local support, because otherwise the battles fought by guerrillas near Srinagar and the alleged existence of ammunition dumps in mosques could not have been explained. Then they began to assert that some of the leaders of the resistance movement were collaborating with the guerrillas but a few were not. Then they said that those other leaders—the few of them—also were in collaboration with the guerrillas.

Now, judging from a report in *The New York Times* of 23 October, they say that these leaders of the people of Kashmir are Pakistani agents themselves. The next logical step would be to condemn the entire Muslim population of Jammu and Kashmir as consisting of Pakistani agents, which would mean condemning 90 per cent of 5 million people. All this would have been ludicrous if its effects were not so deadly. The Indian allegations about infiltration are now seen to be not merely a canard, but the means by which India supplies itself with a pretext to crush all vocal opposition to its hated occupation. Let me quote a report filled from Delhi in the *Baltimore Sun* of 11 October, I am quoting American newspapers friendly to both India and Pakistan. The report says :

> "The reports of demonstrations and arrests were the first official confirmation of substantial unrest in Srinagar

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since the troubled state went onto what amounts to a war footing early in August. Mr. Dhar blamed the incidents of the city on the remnants of the Pakistani guerrillas...and their agents among the local population. His remarks constituted the first admission by a Government official"—that is, the Home Minister—"that the guerrillas were receiving significant co-operation from the people of Jammu and Kashmir."

If an impartial outsider reads reports of happenings in Indian-occupied Jammu and Kashmir which are published in the world Press, the question will naturally arise in his mind: how deep, how widespread, is the opposition of the people to Indian occupation? He will, of course, remember that the Press reports cannot possibly convey the full dimensions of the revolt because of manifold restrictions, because of censorship, barriers of language, and the difficulty of foreign reporters obtaining access to humbler folk. All the same, he will come across numerous indications which can be pieced together and from which a coherent picture will emerge. Let me now mention some of these.

On 13 October, *The New York Times* reported that three boys, sixteen years old, were killed by the Indian police in Srinagar. That is why the Indian Foreign Minister is not here. He knows the repression that his armies and his police are committing against the people of Jommu and Kashmir. The Indian delegation is absent because they cannot face the reality of the truth of the slaughter of men, women and children, of rape, of people being destroyed, of people's souls being subjected to terror. That is why they have absented themselves for the first time in the twenty years of the history of the United Nations.

Because there is a parallel between what they do in Jammu and Kashmir and what the Portuguese are doing in Angola and Mazambique, or what Mr. Ian Smith does in Southern Rhodesia. The Southern Rhodesians, and the Indians, and the Portuguese, they want to destroy the spirit of Asia and Africa. The spirit of Asia and Africa cannot be destroyed.

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Asia and Africa are vibrant; they are youthful; they are full of life. We must achieve our objectives. The age of domination has come to an end throughout the world and that is why they cannot face the fact that they are dominating 5 million people.

As I have said, sixteen-year old boys and girls were killed by Indian soldiers and Indian bayonets. Commenting on the slaughter of the innocents, the Home Minister of the Indian-sponsored Government in Srinagar is reported to have said that the firing could not have been avoided because "for a small group of police to move around in the narrow lanes of the old city in the present atmosphere is just to invite trouble". What does this statement mean except that the population of Srinagar is totally hostile to India's army and police and will not hesitate to battle with it wherever it can ?

The same newspaper, that is *The New York Times*—very much respected and quoted by the Indian delegation in the General Assembly; *The New York Times* was quoted in the General Assembly by the Indian delegation as if it were a bible, and I am now quoting this bible—on 14 October reported that Muslim girls at a college had played a significant role "in a new wave of agitation that has been sweeping" Srinagar. It mentions an eighteen-year girl, who had hitherto lived a cloistered life, as having stood on a stage at a public meeting and shouted "Indian dogs go home".

It quotes the girl as saying "We must show how we feel. We Muslims here are tired of Indian rule. We want to be with Pakistan". Of course they want to be with Pakistan. They are part of us; they are our flesh and blood.

Is is conceivable that a movement would absorb the passion and dedication of boys and girls of that age unless it was rooted in the heart and soul of an entire people ?

News dispatches about the situation in Indian-occupied Jammo and Kashmir report that shops are closed in Srinagar and there is no traffic in the streets. *The New York Times* of 13 October reported that only armed policeman and army patrols are seen moving in the streets of Srinagar.

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*The Financial Times* of London of 8 October said: "Only the very prejudiced can deny that mass opinion in Kashmir is now overwhelmingly anti-Indian."

The Foreign Editor of the *Frankfurter Allgemeine*, an eye-witness in Srinagar, reported on 10 October: "At least 30,000 policemen and soldiers have turned Srinagar into a huge army camp." On 19 October he further reported how street battles developed between the people and Indian police when unarmed demonstrations demanded a plebiscite and an end to Indian brutalities. When he drove through Srinagar he saw crowds of protestors everywhere asking for a plebiscite and shouting curses at "Indian barbarians and Indian dogs."

These developments in Indian-occupied Kashmir reached a climax on 23 October when the Indian puppet regime in Kashmir decided to assume control of Muslim trusts, mosques and shrines, and to post police guards at these places. The same day there were reports of widespread demonstration in Baramula and Shopian against the desecration of a revered shrine in Chrar Shareef. It can be imagined how deep must be the hostility of the people of Jammu and Kashmir to the regime of the occupying Power when the latter finds it necessary to deny them free access to their places of worship where it is natural for them to congregate and worship and pray to Allah. The extreme nature of this act can be understood by anyone in East or West who remembers that the act of worship touches the deepest and most intimate aspect of a people's personal life and no Government will dare encroach upon it unless it is utterly desperate before mass opposition.

The situation in Shrinagar and the Valley is brought out in the dispatch published in *The New York Times* of today. It confirms what I have said above and bears out the fact that the news stories are tightly censored. The newspaper's correspondent, reporting from Srinagar yesterday, had this to say:

> "The Indian Government is seeking to destroy the Kashmir self-determination movement with virtually all the means at its disposal.

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"In the last few weeks, the Government's policy has shifted from a selective pruning of the movement's most radical elements to all-out suppression (of the people of Jammu and Kashmir).

"The large Indian police and armed forces in the state have been used liberally to break the back of the movement's organization and to dissuade its members and sympathizers from further activity."

"To break the back of the movement" of the people of Jammu and Kashmir. And that is why the Indian Foreign Minister has absented himself in an unprecedented way from the deliberations of this meeting.

The correspondent goes on to say that the goals in Jammu and Kashmir "are crammed with those who demand a plebiscite to determine Kashmir's future". The goals of Jammu and Kashmir are crammed with people who demanded self-determination. That is why the Indian delegation is absent here because it does not want to hear the truth. The correspondent continues:

"Last Friday, policemen and soldiers blocked all roads to the Hazratbal shrine, turning away thousands of Moslems who tried to go there for their weekly worship.

"Srinagar Moslems said it was the first Friday in 350 years..."

Imagine, the first time in 350 years that a people should be told that they cannot go and worship. They cannot go and pay homage to their God. There must be something very extraordinary that the people should be denied this for the first time. Can you imagine Catholics being told for the first time in centuries that they should not go to St. Peters and worship their God? Can you imagine the Jews being told that they cannot go to a synagogue to worship their God? But the Muslims of Jammu and Kashmir, for the first time in 350

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years, were stopped from going to their most holy shrine because the situation was such that India could not tolerate the 4 million people of that country going to worship their own God.

> "The Government said that it had to take the unusual action"—they regard it as an unusual action—"to prevent a repetition of the violent demonstrations that took place at the shrine last Monday.
>
> "Action has also been taken to prevent Moslem merchants in Srinagar from showing support for the self-determination movement."

This is the report published in *The New York Times*. The report confirms the tight news censorship imposed by the Indian authorities. It says :

> "The Government has also taken steps to prevent news of the unrest and its counter-measures from reaching the outside world"—that is, from reaching you, Mr. President, and from reaching members of the Security Council.
>
> "Several correspondents who tried to transmit articles on the situation from here last week had the articles returned by the cable office marked 'Objectionable'.
>
> "One high-ranking official in the state government said, 'We are not going to let any news out of here which is not favourable to our position".

This is the secularism of India which boasts to the Western countries that India is the only democracy in Asia. The only secular democracy which butchers its own minorities, which suppresses its own people, which destroys the soul of its own society, which has untouchables and which defies the Security Council. This is the secular democracy of India

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which is supposed to receive support from other democracies in the West. And this secular democracy of untouchables, where we, as non-Hindus, are regarded as subhuman, says today that we will not allow any news to go out of here which is unfavourable. This is the democracy of India which does not allow any unfavourable news concerning India to get out of Jammu and Kashmir. And they come here and sit and talk with great forensics and with a great deal of eloquence of their democracy. They pontificate and lecture to us as to what is the meaning of democracy. We know the meaning of democracy; you know the meaning of democracy; we all know. But they come here and tell us what is secular Indian democracy, which has a caste system, which has people who are suppressed because they are born different, which has people who are killed and destroyed because they are different from them. Then they come and tell you that they are a democracy and that they must be supported. Yet that same democracy refuses to let news out—leave alone destruction, chaos, burning of villages, raping of women and children. These people do not want news to trickle out of their secular democracy. You here, Mr. President, have determind these problems.

The report in *The New York Times* is confirmed by a dispatch appearing in *The Observer* of London of 24 October. It says :

> "Hazratbal shrine in Srinagar, from where in December 1963 an uprising in Kashmir sparked off, might once again see the same. For at Hazrabal on Monday, occurred a clash between police and a mob of Kashmiri students which Government spokesmen say might have terrible consequences."

These are Government spokesmen saying that it will have terrible consequences.

The report continues :

> "Hazratbal has become a symbol for the right of self-determination campaign and a last desperate throw by

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Kashmiris. It is clear that the plebiscite campaign in Srinagar has been taken over completely by students and has become a kind of children's revolt terrifying in its innocent determination."

When there is an almost general strike in a city, when all popular leaders of a people are thrown behind bars, when the police dare not move about in small numbers, when the Government is driven to obstruct the people's prayer congregations, when schools and colleges are closed, when the young are in the forefront of the opposition movement, it will be but a heartless soul who does not conclude that this is an extreme situation which cannot possibly be allowed to continue. The people of Jammu and Kashmir, themselves, are unarmed, they are fighting their oppressors with only the weapons which the weak have always used against the strong.

The editor of the *Frankfurter Allgemeine* and the correspondent of *The New York Times* whom I have quoted have both said that people in Srinagar came to them and pleaded, "Please tell our story to the world. Please tell them what you have seen here. You are now our only hope." That means, Mr. President, please tell the story to you and to the members of your Council because you are now their only hope.

As I read these words, I am driven to ask the question: are we here so hardened in our hearts, so deadened in our conscience, so morally bankrupt, that we will be deaf to this piteous pleading of a people groaning under the oppressor's heel?

The truth of the reports I have quoted can be verified by a visit to any part of Indian-occupied Jammu and Kashmir by any impartial observer from any country in the world.

In the letter from the representative of Pakistan addressed to you, Mr. President, on 18 October 1965 [S/6801], my Government suggested that the Secretary-General send immediately his personal representative to visit the Indian-occupied part of Jammu and Kashmir and gather a first-hand account of the situation. My Government believes that what is happening in the occupied state of Jammu and Kashmir today should

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be brought under the scrutiny of the whole world. This is, above all, a human problem. Irrespective of the measures that the Council may eventually decide to take in order to bring about or facilitate a final settlement of the Jammu and Kashmir dispute, it is the Council's duty to succour a people whose fate has been the subject of its deliberations for nearly two decades and who are today subjected to untold hardships under its very gaze. The people of Jammu and Kashmir are a part of Pakistan. We cannot and we shall not stand by as silent spectators while India, with seeming impunity, proceeds to wreak vengeance upon them.

I repest with all the solemnity at my command that the 100 million people of Pakistan will not and shall not allow Indian tyranny and oppression to be perpetrated against the people of Kashmir. We shall face extinction rather than allow these Indian warlords to perpetrate horrors on the people of Jammu and Kashmir. It is a part of our duty and faith, our religion, and tradition; it is a part of our culture that we shal honour our commitments to the people of Jammu and Kashmir. This you must know. And then do not say that we spread trouble or that we are the cause of your anguish and anger. We have gone through torment. Young women and children killed, lacerated. I speak this evening with a bleeding heart. I come from the battlefields of Pakistan, where we have fought a monstrous and a habitual aggressor, and I tell you that we are prepared for the ultimate consequences, but we shall never surrender our honour and self-respect. The Security Council must know this, the Members of the United Nations must know this that Pakistan will face decimation but we shalll honour our pledge.

I would like forrmally to reiterate the request of my Government that a fact-finding committee, or the Secretary-General, should without further delay visit the embattled State of Jammu and Kashmir in order to see what is happening there, report the facts to the Council, and suggest prompt and effective measures to end this intolerable situation in Jammu and Kashmir.

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The situation in Jammu and Kashmir today, with its passion and poignancy, its suffering and tragedy, should serve to restore some perspective to the Council's consideration of the Jammu and Kashmir dispute. It is all very well for people to listen to arguments on the two sides and say, "Oh, well, it is a very complex question". It is all very well for world Powers to go through careful calculations of their interests and opine, "Oh, it is a very delicate problem". But to the people of Jammu and Kashmir, the people who are involved in it, whose life and honour are at stake, whose happiness and aspirations are threatened, whose very existence as a people is jeopardized, there is nothing complex or delicate about this problem. What is so complex in an issue of freedom or enslavement? What is so delicate in a choice between security and torture? I have assumed that the members of the Council are aware of numerous reports which all say that the huge demonstrations in Srinagar have just one slogan: "Our demand is plebiscite". This shows that, however it may look in a debating chamber of the Security Council, the plebiscite is eminently feasible to the people of Jammu and Kashmir. After all, it is their judgement which is of supreme importance.

Is the Council aware that Jammu and Kashmir is larger in size and population than several Members of the United Nations? Its 5 million people have never been a part of India. "What they seem to resent simply", a reporter wrote in *The Irish Times* of 11 October, "is their belonging to India being taken for granted by New Delhi." For India to say that there is an issue of national integrity involved here is preposterious because the national integrity of India comprises the territory which was included in the Dominion of India at the time of its establishment as an independent State on 15 August 1947 and those territories which acceded to it without dispute. By no stretch of imagination can Jammu and Kashmir be included in either of these categories.

How, when and where did Jammu and Kashmir become an integral part of India? Not when India came to the Security Council saying that—and I quote from India's letter to the President of the Security Council of 1 January 1948:

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> "It was imperative on account of the emergency that the responsibility for the defence of the Jammu and Kashmir State should be taken over by a government capable of discharging it. But, in order to avoid any possible suggestion that India had utilized the State's immediate peril for her own political advantage, the Government of India made it clear that once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognized democratic method of a plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices."

These are the words and the commitment of the Government of India.

Jammu and Kashmir did not become part of India when India accepted the resolution adopted by the United Nations Commission for India and Pakistan on 5 January 1949, which states :

> "The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite".

Jammu and Kashmir did not become an integral part of India when, in later years, the Indian representative assured the Council that India was committed to the resolution of the United Nations Commission for India and Pakistan and that no decision of a so-called constituent assembly in Srinagar would come in the way. Then, how and when did Jammu and Kashmir become an integral part of India ? By the decision of the people of Jammu and Kashmir ? Certainly not. At no time have these people been consulted. They have been held by the Indian bayonets and by the Indian horror and by the Indian atrocities.

Jammu and Kashmir became a part of India only by the fiat and by the arrogance and by the chauvinism of the Govern-

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ment of India. Is this a position which the Council will accept? Pakistan will certainly not accept it, even if the Council were to accept it.

Colonialism, in its classical form, is on the wane. Only a small number of Powers continue to hold on to their possessions, justifying their action by the fiction that the territories in question form part of the metropolitan nation. This is the position which India has taken in the case of Jammu and Kashmir.

It is interesting to see how one colonial Power, speaking of its colonies in Africa, interpreted the Government of India's position vis-a-vis Kashmir. Speaking in the General Assembly on 11 October 1965, the Foreign Minister of Portugal said :

> "We have here two points of the utmost importance : first, foreign countries or outside organizations cannot request that a plebiscite be held in a territory which is part of another nation; and second, integration of a territory by a constitutional provision or clause is considered to be legitimate and final, and should be so accepted by all..."

The Portuguese Foreign Minister, who was defending his Government's policy in Angola and Mozambique, went on to say :

> "Let us see whether the Indian Government from now on will dare to ask for the implementation of other and different criteria when other Governments are involved."

India, which herself has only just emerged from ten centuries of foreign domination—for 800 years they were under Muslims and for 200 years under the British—has joined the dwindling ranks of colonial Powers and deals with occupied Jammu and Kashmir as if it were a colonial possession. The atrocities that are being perpetrated on the defenceless people of Jammu and Kashmir are no less cruel than those which the people of other colonial territories have had to suffer. The

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repressive laws through which India seeks to cow the people of Jammu and Kashmir are no different in their character and effect from those which the Rhodesian minority employs to prevent the people of Southern Rhodesia from exercising their right of self-determination. If the Government of South Africa has sent hundreds of leaders of the South African people to prison without trial, then the Government of India is acting no differently in occupied Jammu and Kashmir.

The General Assembly adopted, only the other day, a resolution on the situation in Southern Rhodesia (General Assembly resolution 2012(XX)). The Council will shortly meet in order to consider the South African question. It should come as no surprise to the world that, as Government of South Africa has done in the case of apartheid, the Government of India now pleads that discussion of Kashmir in the Security Council compromises the internal sovereignty of India by raising matters which are within her domestic jurisdiction. Mr. Shastri speaks the language of Mr. Ian Smith when he asserts that any concern of the United Nations in the fate of the people of Jammu and Kashmir constitutes interference with India's internal affairs and infringement of India's sovereignty.

The minority clique which today rules Southern Rhodesia, against the will of its people, on the basis of a constitution specially made to perpetuate alien rule, would like nothing better than to be left alone in the possession of the land which they have stolen from the real people of the country. The Government of India constantly complains that there is little sympathy and understanding in the world for its case on Jammu and Kashmir. The Indian leaders should ponder this fact and try to understand the reason why they can seek support for their policy on Jammu and Kashmir only from the Ian Smiths of the world.

The Security Council gave a pledge to the people of Jammu and Kashmir that they would not be placed under a sovereignty which was sought to be imposed on them by an imperial army of occupation. On 20 September 1965 the Council committed its prestige and power to going to the

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heart of the problem and to securing a just and honourable settlement of the dispute. The question is: should the Council allow either party to veto its efforts? If so, then one must be candid and say that the United Nations, this Organization which we look upon as the custodian of humanity's conscience, is now destitute of courage and drained of all its powers and its moral resource. The long history of the Jammu and Kashmir dispute is sufficient proof of how India's wilfulness has been encouraged by the seeming helplessness of the Security Council.

Should this process have no end? Is the Council powerfull enough to tell Pakistan, "The blood you have shed shall be in vain", and so powerless as to tell india that it cannot come to a settlement? Either you are powerful enough to put your force, morlity, strength', will and law behind the settlement or else you tell us, "We cannot settle the problem; it is beyond our competence; we cannot do it, unless the Indians agree". In that case, why do you stop us from the ultimate sacrifice? If you have the power to stop us, to bring about a settlement', with all the experience that you have of the dispute, then you should have the strength and courage to fulfil your promise and your pledge and bring about a settlement between the people of India and the people of Pakistan by settling the dispute in Jammu and Kashmir. Why these double standards—one standard applicable to Pakistan and the other applicable to India, because India is big, India is resourceful, India has certain interests? Well, Pakistan is not small either. Pakistan is not without resources either. Pakistan also has a place in Asia. Pakistan is in the forefront of the Asian movement.

If one is to go by the criterion of justice, of what is right, one does not go by the size of Pakistan or the size of India or by what your vital interests in India are or what your vital interests in Pakistan are. Your vital interests are best served by bringing about a just and honourable settlement. Therefore the Security Council is committed by its resolution 211 (1965) to bring about an honourable and equitable settlement of the Jammu and Kashmir dispute. This it is committed to bring

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about in the interests of the Security Council, of the United Nations, of the great Powers, of world peace and of peace in Asia. Do not tell us, "Pakistan, stop, because we have the power to force you to stop", and tell India, "Do not stop, because we do not have the power to stop you." Do not tell Pakistan, "Accept the solution", and tell India, "Do not accept the solution." Both countries must be treated in the same way. The two countries have fought against each other. We have established our equality for all time with India, because India, a habitual predatory aggressor, committed aggression against Pakistan, and we repelled that aggression. We established Pakistan because we were on a basis of equality. There is complete equality between the people of India and the people of Pakistan. On the basis of equality, determine the issue on the morality of the situation and on the basis of international law and international agreements.

It is impossible to think of this dispute without recalling the many instances in history of the small or the weak being pitted against the strong. The betrayal of Ethiopia when it was pitted against Italy brought death and dishonour to the League of Nations. How can the consequences for the United Nations of the betrayal of Jammu and Kashmir be much different ? The betrayal of Czechoslovakia before Hitler's hordes involved the world in a disastrous war. The calculations of power interests in the case of Jammu and Kashmir may point differently today, but, whilst these are bound to be ephemeral, the moral laws are eternal and inexorable.

We are being counselled patience today. Has not Pakistan shown patience in the past? More than that, have we not demonstrated in full measure our willingness to co-operate in seeking a peaceful and honourable settlement of the Jammu and Kashmir dispute ? Even today, after repeated evidence of India's abduracy—even to the point of leaving the Security Council chamber—Pakistan is prepared to go forward in search of a settlement of the dispute through the peaceful methods laid down in the Charter of the United Nations. The Council has called upon both parties to have recourse to these methods, pending the Council's own consideration of the

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steps needed to bring about a final settlement of the dispute. We have accepted this advice. But what is the response from India?

According to a New Delhi dispatch of 3 October published in the *New York Herald Tribune* the next day, the Prime Minister of India, Mr. Shastri, said that India wanted peace with Pakistan but that this time it must be on India's terms. Peace with Pakistan on India's terms! We are not interested in peace on any terms. If it were a question of obtaining any kind of peace, there would be no need for the Security Council, there would be no need for the United Nations. Why not have a Hitler's peace? Why not have a Genghis Khan's peace? You can have peace on the terms of the victor, you can have a dishonourable peace at any time. Why should there have been a San Francisco Conference, at which you, Mr. President, represented Uruguay and put your signature on the Charter? You came there with enthusiasm, with the belief that we were going into a brave new world based on justice. Was that your concept when you went as representative of Uruguay to the San Francisco Conference—that there should be peace on any terms? Peace on any terms is always easy to achieve. Peace on any terms is something that can be achieved without war. It can be achieved on the basis of dishonour, on the basis of surrender. But the United Nations came into being; with its Charter, to achieve not peace on any terms but a just and lasting peace.

Mr. Shastri said: "This time it must be settled on India's terms." It will never be settled on India's terms. That is out of the question. Who is Mr. Shastri to say that peace in the subcontinent will be settled on India's terms? Have we lost ourselves? Are we completely destroyed? We cannot allow peace to be settled on India's terms. We who have ruled India for 800 years, we who have dominated India for 800 years and who are responsible for the civilization of India, for all the Delhis and the Taj Mahals and for all the grandeur and glory of India, are we today in the twentieth century to accept peace on India's terms? One hundred million people to accept peace on India's terms? It is out of the question. It

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is for you to know that we will never accept peace on India's terms. It is preposterous, it is scandalous, it is a dishonour to us, to accept peace on India's terms when we have always established our equality and our spirit and have stood for an honourable and dignified world. The Muslims of Pakistan cannot accept that. It is out of the question. It is preposterous that this time it must be settled on India's terms. It is out of the question.

Here the Council has a clear indication of India's attitude. "Peace on India's terms" is something which no warlord in history could possibly have improved upon. I crave the Council's indulgence to contrast this with what I stated earlier, at the plenary meeting of the General Assembly on 28 September ;

> "If the United Nations works for a settlement, not on our terms, but in terms of the Charter, in terms of the international agreement accepted by both parties, then Pakistan will not stint its co-operation in the slightest measure."

I stand by those words. That is the issue, without verbiage or embroidery. The Council here witnesses a clear confrontation, not between two Powers, not between two nations, but between two attitudes and policies which directly impinge upon the value and effectiveness of the United Nation. Anyone might prefer to be neutral when it comes to a clash between two national interests; but who can be neutral when it comes to a clash between the attitude of compliance with the Charter and the attitude of defiance ? No one can say, "Let us help one party to defy the Charter a little and the other party to obey it a little."

It is impossible to comprehend how it can be within the bounds of human reason to remain neutral between these two attitudes. In fact, neutrality between them is actually an endorsement of the negative and defiant attitude, because it amounts to an acquiescence in it, an encouragement of it.

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Need I say that such neutraity is an abdication of the function of the Security Council, that it undermines all the principles of the Charter?

The present situation brings out the stark reality of the issue. Immediatey after the cease-fire when the world was beginning to feel a renewal of hope in the effectiveness of the United Nations, India lost no time in putting us all on notice that such hopes were ill founded. The education Minister of India is reported to have said in the Indian Parliament that the Government of India is prepared to have discussions with Pakistan, but only on the clear under-standing that Jammu and Kashmir is a closed chapter. If Jammu and Kashmir is a closed chapter, then what is Pakistan supposed to discuss? And what is the problem the Security Council is trying to resolve?

That is the essence of Jammu and Kashmir dispute. If one looks at as a collision of national interests and claims, it would be quite understandable that one might not like to take sides. But it is not merely a clase of interests. It is, I repeat, an opposition of two philosophies and two attitudes towards the first and foremost purpose of the United Nations, which, under Article 1, paragraph 1, of the Charter, is to bring about by peaceful means, and in conformity with the principles of justice and international lay, adjustment or settlement of international disputes which might lead to a breach of the peace.

In regard to India's commitment to a plebiscite in Jammu and Kashmir, I have cited at earlier meetings by the late Mr. Jawaharlal Nehru, Prime Minister of India. These are on the record of the Security Council, as well as of the General Assembly. But the source of that commitment is not only the Government of India and its architect and first Prime Minister, Mr. Nehru. It is also the father of the Indian nation, the late Mr. Gandhi, for whom I had great respect. We who stood for Pakistan nevertheless respected Mr. Gandhi, who was regarded as the great Mahatma, the man of peace. We still have respect for Mr. Gandhi. He

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was assassinated by the bullet of a bigot—and that bigot was not a Muslim, but a Hindu.

I have never quoted Mr. Gandhi since I have been Foreign Minister of Pakistan, I have quoted Mr. Nehru, who was the son of Mr. Gandhi, the father of India's democracy and secularism, but I have refrained—in spite of the emotions of the Kashmir dispute—from quoting Mr. Gandhi. However, we have reached the high tide; we have reached a crucial stage; and I am compiled to quote even Mr. Gandhi on Kashmir.

And what did Mr. Gandhi—the father of Indian nationalism and of the renaissance in the subcontinent, a man whom all of us respect—have to say? I should like to quote from a biography of Mr. Gandhi written by his private secretary, Mr. Pyarelal. Gandhi was on his way to Kashmir and had detailed talks separately with the Maharajah and his Prime Minister on 1 August 1947 in Srinagar. On 3 August, a deputation of Kashmiris asked Gandhi at Jammu:

> India will be free on the 15th August, what of Kashmir?'... 'That will depend on the people of Kash mir', Gandhiji replied. They all wanted to know whether Kashmir would join the [Indian) Union or Pakistan. 'That again', answered Gandhiji, should be decided by the will of the Kashmiris"

Those were the words of Mahatma Gandhi. He said that it was for the people of Kashmir to decide.

In all the eighteen years in which this dispute has been discussed here we have never quoted Mr. Gandhi. We did not want to make him a controversial figure in this issue. We have quoted what the Prime Minister of India said about the will of the people of Kashmir. The representative of India is absent from this meeting because he dose not want to hear what the father of Indian nation had to say about the future of Jammu and Kashmir. The whole delegation of India is absent from this meeting because they do not have

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the courage, or the conscience, or the heart or the eyes to face the truth and the stark reality of an indefensible postion, a chauvinistic position, the position of an aggressor. That is why, as I have said I am constrained at this high tide to quote what Mr. Gandhi himself had to say on the future of Jammu and Kashmir—namely, that the future of Jammu and Kashmir must be decided, not by the Maharajah of Jammu and Kashmir by whom the Indian Government sets such great store; not on the basis of the arbitrary will of a Maharajah who was on the run, fleeing his State, but on the basis of the will of the 5 million people of Jammu and Kashmir.

It was to spare the Indian rulers embarrassment that we never before quoted Mr. Gandhi in this context, We do so now because we have discovered that it is well-nigh impossible to subject India to the kind of embarrassment to which those who are sensitive and have some sense of honour are easily susceptible. But the Prime Minister of India, who claims to be a disciple of his, should show some respect for the words of Mahatma Gandhi.

Whether Mr. Shastri does so or not, it is the duty of the Security Council to rise above the interests and demands of the parties to the dispute, to act independently and look at the issue in its human and moral reality. Jammu and Kashmir is not a piece of real estate. Its future is not a problem to be viewed only in the context of the rights and wrongs of India and Pakistan. It cannot be condemned to a kind Ku Klux Klan administration. A leading collaborator of Mahatma Gandhi, a prominent Minister of the late Mr. Nehru's cabinet, a contestant against Mr. Shastri for the Prime Ministership of India, none other than Mr. Morar Ji Desai, is reported to have said recently that the South Indian city of Madras would be razed to the ground if the people of the South sought secession from India. That may be his conception of how Indian unity can be strengthened. But Jammu and Kashmir is not "Madras or Bihar or Gujerat"—and those are the words of the late Prime Minister, Mr. Jawaharlal Nehru. Jammu and Kashmir is not a part of India and therefore cannot be condemned to be a victim of Indian oppression.

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To sum up, it is apparent that, as in January 1949, the Government of India has once again agreed to cease hostilities with a perverse mental reservation. In the light of the events of the thirty two days which have elapsed since the cease-fire formally went into effect, there can be little doubt that the great anxity manifested at the time by the Indian Government for a cessation of hostilities was not prompted by any desire to eschew the path of force and aggression and to return to the methods of peaceful settlement for resolving its dispute with Pakistan.

Only four days after the cease-fire went into effect, I had the occasion to place before the Council a number of facts which indicated that India was using the cease-fire to re-establish its authority in Indian-occupied Kashmir and to crush the Jammu and Kashmir liberation movement. The Council has also been apprised of the various military measures taken by India to improve the tactical position of its forces and to recapture territory lost to Pakistan during the war.

In recent weeks there have been large-scale movements of Indian troops from other parts of India to Jammu and Kashmir and the borders of Pakistan. A mountain division eqipped by the United States has been moved from the North East Frontier Agency area to Ferozepore, and another such division from Ladakh to Tithwal. Augmentation of forces amounts to a grave violation of the cease-fire and gives the lie to India's assurances of peaceful future behaviour.

Pakistan accepted the Security Council's call for a cease-fire in good faith and stands ready to carry out its obligations without reserve. We stopped fighting in order to avert further bloodshed and the danger of a more widespred conflict in the sub-continent, and perhaps beyond. However, Pakistan cannot be expected to exercise endless restraint in the face of India's patent and proven aggressiveness. Pakistan cannot permit India to continue to nibble away at its positions and to obtain, under the cover of a cease-fire, what it failed to gain on the battlefield—namely, a position of military advantage from which it can dictate terms to Pakistan and forces us to

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abandon our support for the right of the people of Jammu and Kashmir to determine their own future in freedom.

Pakistan has complied with the Security Council's call for a cease-fire on the basis of the solemn assurances given by the Council and, in particular, by the four great Powers, that the future of the people of Jammu and Kashmir, who have for eighteen years borne the burden of India's tyranical and hated occupation, would at last be the subject of a final settlement, based on justice and honour.

Paragraph 4 of Security Council resolution 211 (1965) commits the Council to consider steps which it might take to bring about such a settlement of the Jammu and Kashmir dispute. More than a month has gone by since the cease-fire went into effect, a cease-fire which the Council regarded as the first step towards a peaceful settlement of the Jammu and Kashmir dispute. The withdrawal of armed forces called for in resolution 211 (1965) has not even commenced and, from what I stated a short while ago, it is to be feared that the Government of India will delay as long as possible the withdrawal of its troops, with the object of averting or delaying consideration by the Council of the political problem underlying the Indo-Pakistan conflict.

In the light of experience, there cannot be any doubt that India will not of its own volition do anything to facilitate a peaceful settlement of the dispute over Jammu and Kashmir. The history of the last eighteen years has shown that India will use every argument—and even run away from the Council—and will exploit every event and happening in the world to prevent the people of Jammu and Kashmir from exercising their right of self-determination. India will comply only when it realizes that the Council will not tolerate any dilatory tactics and will insist on strict implementation of all parts of its resolution 211 (1965).

As I appear before the Council today, it would be unfair to the world community if I did not point out that Pakistan does not come here as a suppliant. In signifying our willingness to stabilize the cease-fire and to withdraw our troops in conformity with the Security Council resolution, in assuring the Council of our readiness to co-operate in the search for a

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just and honourable settlement, Pakistan is adhering to the self-same path which it has followed all these eighteen years. It is the only path of honour. We believe in the implementation of the resolutions of the Security Council, and in so doing we take the rough with the smooth. We do not flinch from sacrificing a position of advantage if justice so requires. We are fortified by the faith that, despite India's arrogance and obduracy, despite its flouting of all canons of civilized conduct, despite the armed might which it deploys against Kashmir's helpless people this long drawn-out tragedy can end only in the victory of the people of Jammu and Kashmir and in the vindication of our stand.

We are committed to honour our pledges. We shall honour our pledges irrespective of the consequences. It is only when a nation is prepared to stand by its word, by its commitments, by its honour and by its pledges that it can serve its people, that it can serve the cause of peace.

It is not a question here of unequals pitted against each other, with the Security Council trying to bring about a certain equilibrium. It is more than that. You have to go back to the very quest of mankind for a just and honourable future. That is what has brought about revolutions in the world.

And we tell you, Mr. President, we shall face destruction rather than dishonour our pledge. We shall fight for the people of Jammu and Kashmir, and we shall honour that pledge irrespective of what the great Powers do. This is a part of our faith it is ingrained and enshrined in our very civilization. And we know it—each and every Pakistani knows, men, women and children. That is why we are able to face aggression from a country six times our size. We have fought it heroically, brvely; and when the history of that is written, it will be enshrined in the annals of mankind.

We stand for a rightous cause; we fight for justice. And finally and ultimately, whatever you do, we must triumph; we must succeed because justice is with us. And those who have left this chamber will leave us also. They will run away from Jammu and Kashmir in the same way that they have run away from the Security Council Chamber.

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